

CALIFORNIA MEDICAL ASSOCIATION

This department contains official notices, reports of county society proceedings and other information having to do with the State Association and its component county societies. The copy for the department is submitted by the State Association Secretary, to whom communications for this department should be sent. Rosters of State Association officers and committees and of component county societies and affiliated organizations, are printed in the front advertising section on pages 2, 4 and 6.

CALIFORNIA MEDICAL ASSOCIATION†

HENRY S. ROGERS, M.D.....President
WILLIAM R. MOLONY, SR., M.D.....President-Elect
LOWELL S. GOIN, M.D.....Speaker
PHILIP K. GILMAN, M.D.....Council Chairman
GEORGE H. KRESS, M.D.....Sec'y-Treas. and Editor
JOHN HUNTON.....Executive Secretary

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HOUSE OF DELEGATES

Minutes of the Thirty-Eighth Annual Session of the House of Delegates of the California Medical Association

Held at Hotel Del Monte, Del Monte, California, Monday, May 5, and Wednesday, May 7, 1941

First Meeting, Monday Evening, May 5, 1941, in the Auditorium, Hotel Del Monte

The first meeting of the House of Delegates of the California Medical Association, in their seventieth annual session, held in the Hotel Del Monte, at Del Monte, California, was called to order at 8:30 p. m., Speaker Lowell S. Goin, presiding.

SPEAKER GOIN: The meeting will come to order. For the purpose of receiving the report of the Committee on Credentials, the Chair will recognize the chairman of that committee, Dr. Walter S. Cherry of San Bernardino.

DOCTOR CHERRY: Mr. Speaker. The Committee on Credentials reports that 101 delegates have registered at this time.

SPEAKER GOIN: You have heard the report of the Committee on Credentials. What will you do with it?

DOCTOR ANDERSON: I move it be accepted.

DOCTOR McCLENDON: I second it.

SPEAKER GOIN: Moved by Anderson, seconded by McCleendon, that the report of the Committee on Credentials be accepted. All those in favor say, "Aye." Those opposed, "No." Motion is carried and so ordered. The Chair will entertain a motion that the report of the Committee on Credentials be considered the roll call of the House for this its first meeting.

DOCTOR BENNETT: I move the report be accepted.

DOCTOR EMMONS: I second the motion.

† For complete roster of officers, see advertising pages 2, 4, and 6.

SPEAKER GOIN: Moved by Bennett of Los Angeles, seconded by Emmons of San Bernardino, that the report of the Credentials Committee be accepted as the roll call of the House. All those in favor of the motion say, "Aye." Contrary, "No." Motion is carried and so ordered.

The By-Laws of the California Medical Association require the speaker to appoint four committees for the House—a Committee on Credentials, and three Reference Committees: a Committee on the Reports of Officers and Standing Committees, a Committee on the Report of the Council and of the Secretary-Treasurer, and a Committee on Resolutions and Amendments to the Constitution and By-Laws and New and Miscellaneous Business.

The Chair has appointed the following:

The Committee on Credentials:

Dr. Walter S. Cherry (chairman) of San Bernardino County.

Dr. Stanley R. Parkinson of Yuba Sutter counties.

Dr. Charles A. James of Fresno County.

Reference Committee No. 1, Committee on Reports of Officers and Standing Committees:

Dr. Frank J. Doughty of San Joaquin County.

Dr. E. S. Bennett of Los Angeles County.

Dr. J. S. Woolford of Humboldt County.

Reference Committee No. 2 on the Report of the Council and of the Secretary-Treasurer:

Dr. Frederick C. Bost (chairman) of San Francisco County.

Dr. John Hunt Shephard of Santa Clara County.

Dr. Ralph C. Leggo of Contra Costa County.

Reference Committee No. 3, Committee on Resolutions and Amendments to the Constitution and By-Laws and New and Miscellaneous Business:

Dr. John C. Ruddock (chairman) of Los Angeles County.

Dr. Robert S. Stone of San Francisco County.

Dr. Frank R. Makinson of Alameda County.

The Chair will entertain a motion to approve the appointment of these committees.

DOCTOR ALEXANDER: I so move.

DOCTOR ANDERSON: I second the motion.

SPEAKER GOIN: Moved by Alexander, seconded by Anderson. Any discussion? All in favor say, "Aye"; contrary—carried and so ordered.

Gentlemen, in making any motions, committee reports, or when taking part in discussions on the floor of the House of Delegates, will you please approach one of the microphones and state your name and preferably your county. The proceedings of the House are being recorded electrically. I know a great many of you, but the machine doesn't know anybody. Please get up and state your name clearly so that the transactions which must be transcribed from these records can be the proper transactions of the House. We will alter the order of business slightly and at this time will receive the Report of the Council. Doctor Gilman, chairman of the Council.

DOCTOR GILMAN: Mr. Speaker and Members of the House. The Annual Report of the Council, as published in the "Pre-Convention Bulletin," has been added to and I will read the following addenda.

SPECIAL ASSESSMENT OF JUNE 1, 1939

The *First Addendum* to the Council Report concerns the *Special Assessment of June 1, 1939*.—In May, 1939, the House of Delegates created a Committee on Public Health Education, and directed the Council to levy on and collect from each and every member of the California Medical Association, as of June 1, 1939, a special assessment of \$10, payable on June 1, 1939. The Council immediately thereafter carried out the instructions of the House and on June 1 levied a special assessment of \$10 on every active member. Subsequent thereto, at its August 5, 1939, meeting, the Council after reconsideration and on legal interpretation of the Constitution and By-Laws resolved that the Constitution provided no loss of membership penalty clause for nonpayment of special assessments. The Council therefore appealed to the membership to pay the special assessment and a letter to that effect was forwarded to those members who had failed to pay. In the Council's report to the House of Delegates at its 1940 meeting, mention was made of the fact that 1,057 members had failed to pay the assessment, and that these non-payments were recorded in the financial records of such members as indebtedness due the Association without loss of membership rights or privileges. No action was taken by the House. Inasmuch as there is no constitutional or By-Law provision providing for automatic loss of membership for nonpayment of a special assessment, the assessment merely constitutes a legal indebtedness to the Association and can only be collected by legal action for an unpaid debt. The subcommittee to whom the Council has referred the matter of this special assessment has suggested that no legal action be taken to collect these unpaid assessments and that the matter be referred to the House of Delegates for its instructions with respect to the following possible courses of action: (1) Shall the records of the Association show opposite the name of each such member appropriate legend that such member failed to pay his special assessment?; or (2) Shall no further action of any kind be taken?; or (3) Shall further efforts be made under the direction of the Council to collect the special assessment?

The Council desires the instructions of the House of Delegates as to the foregoing possible courses of action.

HOSPITALIZATION SUBSIDIES

The *Second Addendum* to the Council Report concerns Resolution No. 2, entitled Legislation, Medical Service, Hospitalization, submitted by John Hunt Shephard of Santa Clara County at the Coronado meeting a year ago. This resolution was referred to the Council for study and recommendations. Your Council, to whom was referred Resolution No. 2, has carefully considered the very ingenious proposal embodied in this resolution. The Council feels that the purpose of the resolution, namely, to reduce the cost of hospitalization to the public, is an end greatly to be desired; but this particular resolution involves a course of action which would necessitate a change in the Constitution of the State of California for the reason that the Constitution at the present time forbids the use of public funds to aid any private enterprise. Political subdivisions of the State, such as counties, are at present by constitutional provision prohibited from making any gifts of public funds. In the case concerning the Kern County Hospital, this was held to apply to full-pay patients in the county hospitals. Municipal corporations (cities) are not prohibited from making such gifts and as a consequence municipal hospitals may undertake to furnish hospitalization to an entire community. If this problem is approached from the municipal point of view, it would probably obviate this particular legal difficulty; but to apply this principle to the State as a whole would require a constitutional amendment, which in turn would

necessitate a political campaign with large expenditures of money. The Council feels that in any such development of this plan careful thought and deliberation should be had on the question of whether or not such subsidization would not lead to political control of private hospitals and eventually the political domination of medical care. In addition to the above considerations, your Council wishes to direct attention to the following matters: First, corrective changes are now being made in the development of nonprofit hospitalization plans throughout the State. Second, California Physicians' Service is developing its plans for the care of low-income groups. Third, Federal subsidies for low-income groups have now begun through a group of Federal agencies, such as the Farm Security Administration, the National Youth Administration, and similar activities. Therefore, the Council recommends to the House that action upon this resolution be deferred at this time.

DUES OF MEMBERS IN MILITARY SERVICES

The Third Addendum, a Resolution Concerning the Waiver of Dues for Members in Active Service in the Armed Forces.

The Council has considered very seriously the hardship imposed upon some members of the Association, who have been called into military service, being required to pay full dues in order to retain membership during the period of such service. The Council is particularly concerned with those members who have been and those members who will be called into military service whose incomes will be materially reduced by such service. It has been felt that dues should be reduced or waived during the period of service. However, the Constitution of the Association requires that annual dues be equal and uniform with respect to all members. Therefore, neither the Council nor the House of Delegates can reduce or waive dues for members in military service without an amendment to the Constitution. The amendment has been prepared to this end and will be introduced by the chairman of the Council. The constitutional amendment cannot be acted upon for one year. Meanwhile, the problem is an immediate one. Therefore, the Council has adopted the following resolution and respectfully requests the House of Delegates to ratify and confirm it:

Resolved, That in connection with the payment of annual dues of this Association by any active member entering the armed forces of the United States the Council may direct the Secretary-Treasurer to pay the dues of such members for the year 1940 and the year 1941, or both, as the case may be, out of the general funds of the Association, said advance from the funds of the Association to be considered as a loan from the Association to each such member.

You will note that the foregoing resolution contemplates advances on behalf of such members and not an outright gift or waiver of dues. You will also note that the constitutional amendment to be introduced will, when enacted, be retroactive in effect, so that after the constitutional amendment has become a part of the Constitution, the House of Delegates may then waive in whole or in part the repayment of such advances of the members aforesaid. Those, Mr. Speaker, are the addenda to the Council's pre-convention report.

(Vice-Speaker Askey takes the chair.)

VICE-SPEAKER ASKEY: Members of the House. You have heard the report of the chairman of the Council. The main reports of the chairman of the Council and the Council report have been published and you have heard the addenda. The report of the chairman of the Council and the Council's report will be referred to Reference Com-

mittee No. 2. The Special Addenda Reports will also be referred to Committee No. 2, with the question of the last one, which entails, I believe, a by-law, will be referred to Committee No. 3, (waiver of dues, special addendum).

Now there is one request I would like to make of you gentlemen and ladies, if you will. There are late comers arriving at all times. I wish members of the House would step forward and sit in the front seats as much as you can, which will entail less distress and less interruption as the late comers come in. Will you please do that and help us out a little bit in that way. The delegates of this House, if they will please step forward and fill these seats first, we will appreciate it very much.

Members of the House, I have a distinct privilege, my first appearance before you as your vice-speaker to be allowed the pleasure of introducing to you for his presidential address, our good friend, the President of the California Medical Association, Dr. Harry Wilson. (Applause.)

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PRESIDENT WILSON: At ease. I haven't any presidential address. I made a written report for the purpose of publication in CALIFORNIA AND WESTERN MEDICINE and there is only one item I would like to change therein. I made the specific recommendation to you that we try for a year the publication of CALIFORNIA AND WESTERN MEDICINE by contractual basis with the publisher. Since that time our office staff, under the direction of Mr. Hunton, to whom that duty was delegated, has brought in figures on costs, facilities and so on which have made me come to the conclusion that we might consider publishing CALIFORNIA AND WESTERN MEDICINE under our own direction and control, and probably not change the cost to the Association appreciably. So I would like to withdraw that recommendation in my message as printed in the "Pre-Convention Bulletin."

You heard my philosophy of life and, as Eric Larsen calls it, my monkey talk, this morning, I haven't anything to add to that. I could talk to you about those things which men should know or those things which women should know, but hardly as the presiding officer of your Association.

I wish to tell you that in the beginning I wasn't terribly impressed with the National Physicians Committee for Extension of Medical Service although I permitted my name to be used in connection with its California committee because I believed it was desirable that those of us whom we thought were thinking constructively should be a part of those things. But when Mr. Pratt addressed us this morning he quite changed my mind. He is a fine salesman, and he made a splendid address, I don't mean from the standpoint of elocution or oratory. I believe he has his feet on the ground and his ear to the undercurrent of things that are going. In other words, he said that medicine was as safe from regimentation as industry was. Well, I happen to be born in Missouri, so I feel we are very safe. And I would like for this House to hear Mr. Pratt. Unanimous consent will be required for this. It will be worth our time to listen to Mr. Pratt for 10 or 15 minutes this evening. I believe that you are charged with the responsibility of having a reasonably well grounded opinion as to just what the National Physicians Committee for Extension of Medical Service comprehends, in order that you can answer the questions that are brought to you.

If it is in order, Mr. Speaker, I would like to ask that you bring that question before the House as to whether the delegates wish to give consent to have Mr. Pratt to come in for whatever period of time the judgment of the House should indicate.

Incidentally, before I yield the microphone, and as I told the audience this morning, I have always been remiss in

expressing my appreciation to many people in the organization, and to Charles Dukes, particularly. There never was anybody endowed with more kindness and thoughtfulness and consideration for the other fellow than Charlie. . . . I thank you all for your support and your opposition, it's constructive, too, and I do make a request of the Speaker that we hear Mr. Pratt. Thank you all.

VICE-SPEAKER ASKEY: I realize that it was a very hard thing to ask Doctor Wilson to give two presidential addresses in one day. We will refer, however, his presidential address of this morning to special Reference Committee No. 1 for appropriate action.

Doctor Wilson has made a request of this body. The rules of order are that it requires the unanimous consent of the House to allow a person not a member to speak to this body. Is there unanimous consent to have Mr. Pratt speak to this body as requested by Doctor Wilson? How long? Fifteen minutes? Ten minutes? Is there objection to the House for hearing Mr. Pratt for ten minutes? Hearing no objection it is so ruled. Mr. Pratt, would you care to speak to our House of Delegates?

DOCTOR WILSON: Mr. Pratt is not here. I will have to go get him.

VICE-SPEAKER ASKEY: Doctor Wilson will be detailed to bring Mr. Pratt to the House. We will go ahead and take up the rest of the reports. We have report, first of the "Trustees Of The California Medical Association," Dr. Philip Gilman.

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DOCTOR GILMAN: Mr. Speaker, the report was published in the "Pre-Convention Bulletin" and there is nothing to be added.

VICE-SPEAKER ASKEY: The report of the "Trustees Of The California Medical Association" will be referred to Reference Committee No. 1.

Report of the Auditing Committee, John W. Cline, Chairman. Is there a desire to make further report? Hearing no answer, this committee report was also published in our journal, and will be referred to Reference Committee No. 2.

The Report of the Secretary-Treasurer and Editor. No further report from the Secretary-Treasurer and Editor, it will be referred to Committee No. 2.

The Report of the Executive Secretary. No further report being heard, it will be referred to Committee No. 2.

Report of the Department of Public Relations. No further report, the report having been printed, it will be referred to Committee No. 1.

Report of the General Counsel, Mr. Hartley F. Peart.

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MR. PEART: Members of the House of Delegates. I am just venturing to take a few minutes because we got a little supplement here. You will recall that about a year or so ago Kern County Medical Association disciplined some of its members. . . .

Now the Basic Science Initiative, as you know, has been completed and several weeks ago was submitted to the Attorney-General for the preparation by him of a title and a summary. Under the California Constitution no initiative may be circulated for signatures until the Attorney-General has passed upon it and has prepared a title and a summary of its contents. Last Friday we received the title and summary of its contents from the Attorney-General's office requesting our approval and presented it to the Council at its meeting last night. The title and summary limited by law to 100 words has been well prepared and stated. The initiative will shortly be returned ready for the next steps. The first step then to be taken is the printing of several thousand sections of the petitions, copies with spaces for signatures. It was arranged several months ago that the Committee on Public Health Education will undertake the printing of the initiative and with

the Public Health League its circulation for signatures thereafter. The actual printing will require several weeks, as it is vitally necessary to be careful that the petition contains everything required by the Constitution, and that it is identical to the master copy submitted to the Attorney-General. After the petition has been printed, the Committee on Public Health Education and the Public Health League will then arrange for circulation of copies throughout the State through the membership of the Association, Woman's Auxiliary and the dental profession and the members of the Public Health League. Instruction as to the obtaining of signatures, the actual signing with addresses and like detail will be formulated by the Committee on Public Health Education. Each of you will, within the next few months, receive from headquarters a copy of the petition together with a copy of the instructions to be followed by you in securing signatures. Please be sure to read and faithfully follow these instructions. Any variance from the procedure required by law may nullify all of your efforts. For example, the person getting signatures must be a registered voter of the county in which the signatures are obtained, and if you are circulating a petition you must personally secure all of the signatures, not your office nurse, nor your wife, nor your associate, because you must take an affidavit that you personally witnessed each signature. Likewise if your office nurse secured signatures on any copy of the petition, she must herself witness the signature of every person who signs that copy. It is believed that with the cooperation of the members of the foregoing groups, many thousands of dollars will be saved which otherwise would be spent in hiring a professional signature organization for this work.

I thought I would mention that some months ago the Los Angeles County Medical Association and the San Francisco County Medical Society and several individual members of the Association requested opinions on various aspects of sterilization. We drafted an opinion and in view of the continued requests we prepared a medical jurisprudence article on the subject, divided into two parts which were to appear in the April and May issues of CALIFORNIA AND WESTERN MEDICINE. Due to the necessity of printing the "Pre-Convention Bulletin," the first article could not appear in the April issue, but Doctor Kress informs me that the articles will appear in the next two numbers. . . . We are only interested in trying to ascertain what the law is. This alone is difficult enough. As Mr. Justice John Schenk of our Supreme Bench once well said, "The study of the law consisted of unsuccessful efforts to ascertain by the examination of inconclusive authorities the extent to which others have failed to determine what is the law." (Applause.)

VICE-SPEAKER ASKEY: You have heard the report of our Legal Counsel. The report will be referred to Reference Committee No. 1. At this time I will return the gavel over to your regular speaker.

SPEAKER GOIN: The House of Delegates by unanimous consent extend the privilege of the floor to a nonmember, regretting only that it is necessary to limit him to ten minutes. The Chair is happy to present to you Mr. John Pratt, executive administrator of National Physicians Committee for the Extension of Medical Service. Mr. John Pratt!

MR. PRATT: Members of the House of Delegates of the California Medical Association. I want you to know that I am deeply appreciative of the courtesy extended, and, in this ten minutes, I think it might be well to go back to the one step beyond the trial of the American Medical Association in Washington on the basis of the tactics of the Department of Justice, in connection with these antitrust prosecutions. The prosecution of the American Medical Association is only one of a number that has been in-

stituted by the Department of Justice under the supervision of Thurman Arnold. I think it essential for the accomplishment of our purpose that we fully understand what the Department of Justice is trying to accomplish.

Speaking before the Economics Club of New York City in January, Mr. Arnold, in effect, said:

"The Department of Justice has been trying to enforce the antitrust laws in this country over a period of a great many years, and has reached the conclusion that it is useless to engage in civil suits. My tactics in this connection is that of hailing these men before a federal grand jury and, on the basis of our representation, securing criminal indictments. Once these indictments are secured, we are in a position to sit across the table from these men and say to them, frankly and coldly, 'We're going to put you in jail. You'll have to pay a fine besides, but you are now faced with the prospect of a penitentiary sentence.' And once we get them in that position, we are in a position to deal with them and we can say to them candidly, 'Now listen, if you will do this and this and this, and agree not to do this and this and this, we'll put it down on paper in the form of a stipulation and take it to the judge and get a decree of the court. And then, if we get such a decree, we will go to the judge and ask him to dismiss the case, and you fellows will not have to go to jail.'"

I want you men to understand this, that the practices concerned in the stipulations might or might not have been illegal. They might have been strictly in accordance with all legislative enactments, and the regulations asked for might have been super-legal. The point is, that under such circumstances, regardless of legality, once we had a decree of the court, that court superseded all legislation.

In other words, had it been possible for the Department of Justice to take first the automobile industry and then the steel industry, and then another, down through the structure of our whole economic and industrial structure, we would have been able to have dismissed all of our state legislatures and all of our congressmen and senators, and established control in this nation, by court decrees, that superseded legislative action.

I think it's essential that you understand that the American Medical Association suit that took nine weeks in Washington, D. C., was of this calibre. And whether or not there was any illegality in the operations of the American Medical Association and the District of Columbia Medical Society, an attempt was made to establish control of medicine in this country, regardless of any legislation or any laws. And it was done for the purpose of bringing American medical practice under political control. You men who were here this morning heard me talk briefly about what American medicine had done—and undoubtedly medicine has given the American people a more effective and more widely distributed medical service than has ever been known at any time in the world. But that didn't achieve the objective and during the last eight years in this country we have developed a new professional group with friends at court, powerful friends at court, that are interested in moving out from under the direct supervision of qualified medical practitioners the service that is to be rendered to the public. It is a perfectly legitimate thing from a political standpoint, but it would mean that, as far as the public is concerned, all of the effectiveness and all of the efficiency would in time be lost through all this bureaucratic control.

Frankly, in my opinion, it is essential that men of medicine consider first the public interest. On the basis of our 150 years' history it has been conclusively demonstrated that, while there are weak spots in our medical service, it has provided the best the world has ever known or imagined. And it is essential that we maintain the independence and the initiative of these independently operating physicians. Medicine is actually faced, not with an ordinary emergency, but with an actual crisis. We are at the point of actual decision, and it's now to be a political

decision. And, repeating, because there's nothing that I can say that's more effective, the statement that was made this morning, "*In the final analysis the public's opinion of the quality and effectiveness of medical service will become the deciding factor in the settlement of the problem.*" I don't know whether it's going to take six months or two years or five years to do this job, but during this period of time, whether it's six months or five years, medicine must assume the responsibility of taking the general public into its confidence and telling that public about the effectiveness and the achievements of our pattern of independent practice, if it is to be preserved, and if the independence of the individual practitioners is to be maintained.

I still have a minute and a half and I'm certainly not going to transgress. During the last two months it has been my very real privilege to meet with groups of physicians in Detroit, Toledo, Cleveland, Baltimore, Richmond, Atlanta, Birmingham, Memphis, Nashville, Cincinnati, Dayton and Columbus, and also in other cities. I never found more enthusiastic physicians anywhere than I found in Spokane, Seattle, and Portland. Two nights ago more than two hundred physicians, representing twenty-eight counties in the State of Oregon, met for dinner and sat there for three hours, discussing this problem. There's a way this should be done.

I hope before your House of Delegates adjourns that you may pass some kind of a resolution indicating that you are in favor of the aims and purposes and methods of the National Physicians Committee. I hope that you will set up a machinery for advising all of your county secretaries of this fact.

One more statement and I shall have finished. The House of Delegates of the State of Tennessee on April 8 passed a resolution instructing their counselors to assume responsibility for having every county association in the State of Tennessee appoint an active operating committee of the county medical society to cooperate with the National Physicians Committee for the Extension of Medical Service. If you can go so far at this time, I, of course, will be immensely pleased and so will the other men who have been instrumental in the progress of this institution in California. If you don't do it now, next year, or the year after—but truly, it is later than you think. It should be done now. I thank you. (Applause.)

SPEAKER GOIN: I think we're truly indebted to Mr. Pratt for this splendid address and I'm sure that I'm expressing the will of the House when, on behalf of the House, Mr. Pratt, I thank you for this very inspiring address.

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The next order of business is the reception of the *Reports of the Standing and Special Committees*.

The reports of all of the *Standing Committees* have been printed in the "Pre-Convention Bulletin." Does any chairman have anything that he wishes to add to his printed report? If he does not, the reports of the *Standing Committees* will be referred to Reference Committee No. 2, No. 1.

The reports of *Special Committees*:

The *Committee on Public Health Education*, Doctor Makinson, chairman. This report will then be referred to Committee No. 3.

The *Committee on Life Membership*, Doctor Peers. The report will be referred to Committee No. 3.

The *Committee on Needy Members*, Doctor Anderson.

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DOCTOR ANDERSON: Mr. Speaker, Members of the House of Delegates. A preliminary report of this committee was published in the "Pre-Convention Bulletin" with the promise that there would be a more detailed report at this time.

To the President and House of Delegates: Your committee has worked to complete the census of needy members, as required by the resolution of the 1940 House of Delegates, and efforts have been made to carry out the recommendations of the committee made at that time. A questionnaire letter about needy members was sent to all county medical society secretaries and a second request for information to those not responding. Reports were received from twenty-seven counties, covering the State's largest centers of population and a fair cross-section of the smaller counties. The reports indicated little change from last year's census. San Diego County reported one case on relief, Sonoma County, two, receiving old age pensions. Placer County had one doctor that may need help. Orange County inquired about assistance for one old, incapacitated member. Fresno County reported four cases that may need help soon. San Francisco County reported none found. No report was received from Alameda County. It seems possible that a more complete investigation of this area might have found some destitute members or dependents in want. The Los Angeles Physicians' Aid Association, reporting for Los Angeles County as of February 15, 1941, stated that there were ninety-five cases of doctors, widows and children being aided. The remaining counties reporting state that no cases of want have been found. There are only nine cases of probable need of help reported in the State, other than the Los Angeles area. The obvious reason for this concentration of needy in the Los Angeles district is the influx of practitioners, incapacitated by illness and age, from other parts of the State and other parts of the country. . . .

All of the secretaries of the county societies have been reminded of their duty to report cases of need to the county organizations and ask for such local aid as can be provided, until there is a state fund accumulated. The Woman's Auxiliary has been enlisted to help raise money for the needy and the leaders have already contributed \$260, as a result of their activities, and some \$1,325 has been raised by the Los Angeles group and used locally. Forms for solicitation of gifts, and bequests have been prepared and submitted to the CALIFORNIA AND WESTERN MEDICINE for publication.

No action has yet been taken by the Council on the recommendation of an allocation of \$1 per member from the annual dues to be made for the fund for aid to needy members. The Pennsylvania State Benevolence Fund has been functioning since 1905. During the past twelve years the allotment for this fund has been \$1 for each member annually. The Illinois State Medical Society Committee on Medical Benevolence was organized in May of last year, and was voted \$5,000 as an immediate fund and an allocation of \$1 from the yearly dues of each member. Your committee will submit a resolution to the House of Delegates, requesting that the Council be instructed to make an allocation of \$1 from the annual dues of every active member, for this fund. Machinery and methods for investigating cases of beneficiary members, and means of safe-guarding the funds, and the proper distribution of aid can be readily devised. The experience of the Pennsylvania society and the later set-up of the Illinois organization will be helpful in working out this part of the program. Until we get our fund well under way, however, this activity may well be deferred. Our job at the present time is to get this fund started and growing as rapidly as possible. We need a member in every county society to keep the membership reminded of our duty to take care of our own and let some of our charity begin at home. Bequests, donations, memorial gifts, local benefit social functions, donations from grateful patients and friends of the profession should be promoted by individual members, and some member of each county society should be assigned the duty to help along such activities. The \$60,000 trust fund, which it is hoped to secure before any disbursements are

made, is an arbitrary figure and will probably be only a start in the right direction, since the Pennsylvania society, caring for only thirty-five beneficiaries and paying them approximately \$35 per month, found the income from their accumulated fund of \$173,000 inadequate. So until our fund grows to a large sum, it is possible that much of the aid to our needy must be supplied by our local societies, supplemented by the efforts of the Woman's Auxiliary. Our effort for some time to come must be to get the money for this fund. (Applause.)

SPEAKER GOIN: The report of Doctor Anderson's committee is referred to Reference Committee No. 3.

The next order of business is *Unfinished Business*.

There is before the House, pending from last year and now an order of business for the House, the adoption of certain *Amendments to the Constitution*, eight in number. Will the House have these amendments read? If not the Chair will refer all of the amendments to Reference Committee No. 3.

There will be, no doubt, there was previously, some dispute on the floor of the House of Delegates as to the power of the Reference Committees to make any alterations at all in the amendments pending. At the Pasadena meeting we had a good deal of trouble because it was argued that the Reference Committee had no business to change a jot or tittle of the proposed amendment and, indeed, that the amendment should not have been referred to a committee.

The Chair therefore rules that it is proper to refer the amendments to the committee, since the name of the committee is the Committee on Amendments to the Constitution and By-Laws, New and Miscellaneous Business, and, further, that in accordance with Robert's Rules of Order, under which this House functions, the Reference Committee has power to make minor changes in the amendments in the report to the House, provided that the modifications of the rule to amend is not exceeded. That means to say that if there were an amendment pending to change the dues from \$10 to \$5, the Reference Committee could change it to \$7, but not to \$4.90, because that would exceed the modification of the rule that is to be amended. So within those limits, that is, as long as the intent of the amendment is maintained and no material change is made, small changes proposed by the Reference Committee will not invalidate these amendments, and they'll be properly voted on by the House on Wednesday evening. All the amendments are referred to Reference Committee No. 3.

The next order of business is a reception of *Resolutions and New and Miscellaneous Business*.

SPEAKER GOIN: Doctor Gilman, chairman of the Council.

DOCTOR GILMAN: The Council desires to present to the House of Delegates the following resolutions:

A resolution regarding California Physicians' Service:

WHEREAS, Many of the problems that have arisen in the development, expansion, and administration of California Physicians' Service have been the subject of discussion by many interested members of the profession, these problems including details of fee schedule, income groups to which the Service should be available, certain contract provisions, extension of the Service in various areas of the state, nature and extent of routine physical examinations, inclusion of families; and

WHEREAS, The Board of Trustees of California Physicians' Service has requested the advice of the House of Delegates as a representative body through which crystallized opinion of the medical profession can best be expressed; and

WHEREAS, We find ourselves in a time of very rapid and profound changes in economic status and geographical concentration of great numbers of people, with changing wage levels, changing costs of living, new tax burdens, etc., and no one can tell how far or how rapidly these changes will go; and

WHEREAS, Under these conditions it would be unwise to tie the hands of those responsible for California's Physicians' Service; therefore, be it

Resolved, That the House of Delegates reaffirm its confidence in the conduct of the affairs of the California Physicians' Service and leave to the Board of Trustees and administrative members the details of its policy and administration.

(Applause.)

SPEAKER GOIN: The resolution is referred to Reference Committee No. 3.

DOCTOR GILMAN: *An amendment regarding new members who are elected during the last six months of a calendar year:*

Resolved, That Section 1 of Chapter 10 of the By-Laws of this Association, California Medical Association, is hereby amended by adding to said Section 1 a new subparagraph, designated as subparagraph (d), reading as follows:

(d) Dues of New Members, Amount Payable. All doctors of medicine becoming active members of this Association under the provisions of Section 1 of Chapter II of these By-Laws shall, as provided in said Section 1 of Chapter II, pay to this Association the annual dues payable by active members for the year in which membership is obtained, except that the Council may, in its discretion, with respect to all new members who acquire membership after July 1 in each year, only require payment of one-half of the annual dues for said year. Said payment of one-half of the annual dues shall entitle such new member to all of the rights of active membership in this Association until the end of the current calendar year.

SPEAKER GOIN: This amendment to the By-Laws does not need to hold over one year and is referred to Reference Committee No. 3, and will be acted on at the next meeting on Wednesday, May 7.

DOCTOR GILMAN: *An amendment regarding possible exemption of dues of members who enter the military service:*

Resolved, That Section 1 of Article XI of the Constitution of this Association, California Medical Association, is hereby amended by adding to the first paragraph of said section the following:

Annual dues may be reduced or waived with respect to those members serving in the armed forces of the United States during the whole or any part of the year, and the Council may in its discretion refund in whole or in part from the funds of the Association dues paid in 1940 or 1941 by, or on behalf of the active members, if such members were at the time actually in the service of the armed forces of the United States. So that said Section 1 of Article XI shall hereafter read as follows:

Section 1. Annual Assessment of Dues—Other Sources of Funds—Appropriations. Funds shall be raised by equal annual per capita assessment of dues from the active and associate members, assessment of dues upon the associate members to be one-half of that upon the active members. Annual dues may be reduced or waived with respect to those members serving in the armed forces of the United States during the whole or any part of the year, and the Council may in its discretion refund in whole or in part from the funds of the Association dues paid in 1940 or in 1941 by or on behalf of active members if such members were at the time actually in the service of the armed forces of the United States. The amount of the assessments shall be fixed by the House of Delegates by a majority vote of the members present and voting. Funds may also be raised by voluntary contributions, through bequests, legacies, devices, and gifts, and from the Association's publications, by special assessments, and in any other manner approved by the House of Delegates. Any resolution passed and adopted by the House of Delegates at any regular or special session thereof, which provides for or contemplates the appropriation or expenditures of the sum of more than \$1,000, shall not be effective for any purpose unless and until approved by the Council. All appropriations, regardless of amount, approved and made by the Council, shall, if expended, be reported to the House of Delegates at its next annual session, and any unexpended portion of any thereof shall be included in the annual budget.

SPEAKER GOIN: This is an amendment to the Constitution, that, in compliance with the provisions of the Constitution, will hold over as an order of business for next year. It cannot be acted upon at this session.

Have any members any resolutions to introduce?

DOCTOR ALEXANDER: I am directed by the Alameda County Medical Association to present the following resolution, which does not necessarily reflect the opinions of the delegation as a whole:

WHEREAS, Definite objections to and criticisms of certain features in the present set-up and functioning of California Physicians' Service are held by a goodly number of members of the California Medical Association; and

WHEREAS, It is to the advantage and to the best interests of the Board of Trustees of California Physicians' Service to be advised of the current opinions held amongst members of the California Medical Association with regard to California Physicians' Service; and

WHEREAS, The successful functioning and welfare of California Physicians' Service are of major importance to the members of the California Medical Association and to the beneficiary members of California Physicians' Service and to the professional members who serve them; and

WHEREAS, It is to the interest of the members of the California Medical Association to be currently advised as to the problems of California Physicians' Service and as to proposed or actual changes in its policy or in its operation; therefore, be it

Resolved, That the House of Delegates give consideration to and take action on the appointment of committees to be known as coordinating committees from the various councilor or other designated areas of the California Medical Association to confer with, upon appropriate occasions, the Board of Trustees of the California Physicians' Service, the size of these committees and the manner of their appointment shall be suggested by the Reference Committee of the House of Delegates. The functions of these committees shall be to confer with the Board of Trustees of the California Physicians' Service for the purpose of bringing to their attention the various reactions to the plan from the respective committee's areas, and to offer such assistance as may be useful to or necessary for the furtherance of the plan as it stands, or to afford such suggestions as may be considered pertinent to the modification of the plan to make more workable.

SPEAKER GOIN: The resolution is referred to Reference Committee No. 3. Doctor Anderson.

DOCTOR ANDERSON: *Resolution concerning special fund for aid to needy members:*

WHEREAS, The By-Laws of this Association, California Medical Association, were amended by the House of Delegates on May 8, 1940, by adding Section 23 to Chapter V of said By-Laws, providing for a committee on aid to needy members, and providing a special fund for said committee; and

WHEREAS, Under said Section 23 of Chapter V, the Council may allocate funds from the general fund of this Association to the special fund for aid to needy members; and

WHEREAS, This House of Delegates of the California Medical Association earnestly desires that the Committee on Aid to Needy Members be provided with the necessary funds; now, therefore be it

Resolved, That the Council is hereby requested and instructed to transfer from the general funds of the Association to the special fund for aid to needy members a sum equal to one dollar for each and every active member of the Association; and be it further

Resolved, That the Council is hereby requested to carry out provisions of this resolution at as early a date as possible, so that the Committee on Aid to Needy Members may have an existing fund with which to carry out its functions and duties.

SPEAKER GOIN: This is an amendment to the By-Laws, Doctor Anderson?

DOCTOR ANDERSON: To the By-Laws.

SPEAKER GOIN: Referred to Reference Committee No. 3. Doctor Barnard.

DOCTOR BARNARD: On behalf of the Alameda County delegation, I wish to present the following resolution:

Resolution Concerning Fee Schedule of Industrial Accident Commission

WHEREAS, The rising costs of medical practice is placing an unjust burden on the physician, whose fees are fixed, as in industrial accident cases; and

WHEREAS, The present basic fee schedule employed by the Industrial Accident Commission of the State of California has, except for minor modifications, remained unchanged since its adoption in 1913, and all the factors in living have risen considerably; and

WHEREAS, The California fee schedule is lower than that of comparable states; therefore, be it

Resolved, That the President of this Association appoint a committee of three members to appear before the Industrial Accident Commission at an early date and request a revision in the fee schedule to fit the requirements of present-day medical practice.

SPEAKER GOIN: The resolution is referred to Reference Committee No. 3. Doctor Stone.

DOCTOR STONE: Mr. Speaker, on behalf of the San Francisco delegation, I am presenting the following two resolutions:

First, a *resolution regarding medical relations under workmen's compensation:*

WHEREAS, There are now before the Legislature two measures, A. B. 1760 and S. B. 644, to forbid insurance companies to contract with doctors for medical care of injured workers on a basis of a percentage of the gross premiums, or a percentage of the employer's pay roll, these bills specify that contracts for furnishing medical services must not contain fixed charges below those set as reasonable by the Industrial Accident Commission, and declare it unlawful to rebate to any employer or insurance carrier money received for medical services; and

WHEREAS, These bills recommend rules of conduct and ethics which the medical profession has always upheld; now, therefore be it

Resolved, That the House of Delegates approve the substance of these measures and recommends their passage at the present session of the Legislature.

SPEAKER GOIN: Referred to Reference Committee No. 3.

DOCTOR STONE: Second resolution:

WHEREAS, The present national emergency is calling more and more practicing physicians and surgeons away from their practices to join the armed forces; and

WHEREAS, Numerous young physicians and surgeons who have never practiced are going directly into the armed forces; and

WHEREAS, The nature of private practice of medicine and surgery is such that the demobilized members of the profession are not given the same assurance of security on their return to civil life as either employed citizens or those members who are not called into the armed service but remain in practice; therefore be it

Resolved, That the Council of the California Medical Association immediately study plans for special means to aid in rehabilitating demobilized members of the medical profession in the State of California.

SPEAKER GOIN: Referred to Reference Committee No. 3. Doctor Ayers.

DOCTOR AYERS: Mr. Chairman and Members of the House of Delegates. I have a resolution which was approved by the Council of the Los Angeles Medical Association and I'm introducing it on behalf of the Legislative Committee:

Resolution Concerning Compensation for Selective Service Act Examiners

WHEREAS, The great majority of citizens engaged in national defense activities are compensated by the Federal Government for their time and efforts; and

WHEREAS, Physicians who have examined prospective service men for the various draft boards are required to spend a considerable amount of time for which they receive no compensation, resulting in a hardship for those who volunteer for this type of work; therefore be it

Resolved, That the House of Delegates of the California Medical Association instruct its delegates to the American Medical Association to introduce a resolution in the House of Delegates at the forthcoming convention of the American Medical Association, proposing to the Federal Government that physicians serving as examiners for draft boards receive compensation for such work.

(Applause.)

I have another resolution which was approved at the caucus of the delegates representing the southern counties:

Resolution Concerning Scientific Exhibits of the American Medical Association

WHEREAS, The California Medical Association, recognizing the need of acquainting the general public with the problems of health and sound principles of medical practice, established a policy of public health education; and

WHEREAS, Scientific exhibits constitute an effective means of acquainting the public with health problems, as evidenced by the great public interest in the week-long health defense exhibit in the Shrine Auditorium, sponsored by the Los Angeles County Medical Association; and

WHEREAS, Such material is easily available at the time in each city in which the American Medical Association meeting is held, and public interest has already been aroused by favorable newspaper publicity in relation to said convention; therefore be it

Resolved, That the House of Delegates of the California Medical Association instruct the delegates to the American Medical Association to introduce into the House of Delegates of the American Medical Association a resolution calling for the establishment of a health exhibit for the public in the various cities in which the annual convention of the American Medical Association is held, during the week immediately following the convention, and utilizing such materials from the scientific exhibit, to which other material might be added which would be of interest to the general public.

(Applause.)

SPEAKER GOIN : Referred to Reference Committee No. 3. Doctor Shephard, from San Jose, Santa Clara.

DOCTOR SHEPHARD : On account of the fact that the report on Resolution No. 2 of last year was not printed in the "Pre-Convention Bulletin," and not knowing the report of the Council on that, I'm in no position to prepare a resolution along the same line for introduction this year. If it is not out of order, I would like to ask the privilege of introducing a resolution by title only and submitting the three copies as required by the By-Laws to the committee tomorrow morning.

SPEAKER GOIN : Does the Chair hear any objection to this?

UNIDENTIFIED VOICE : What is the title?

DOCTOR SHEPHARD : *Hospitalization Subsidy*.

SPEAKER GOIN : You will recall that last year Doctor Shephard introduced a resolution which dealt with the establishment of a hospital subsidy similar to the one which has been operating in Palo Alto successfully. The chairman of the Council reported to you concerning it this evening, but, as he says, it was not published. It seems to the Chair that it was manifestly fair to allow Doctor Shephard to introduce such a resolution by title, referring it to the Reference Committee for debate on Wednesday. Is there any objection? Hearing none, you may do so, Doctor Shephard.

DOCTOR SHEPHARD : Thank you.

UNIDENTIFIED VOICE : What Reference Committee will hear that?

SPEAKER GOIN : No. 3. Doctor Bailey.

DOCTOR BAILEY : I have been instructed as secretary of the Radiological Section of Los Angeles County Society to submit this *resolution regarding practice and positions of physicians called to military service*:

WHEREAS, The national emergency requires the services of many physicians who have been holding hospital and other staff positions; and

WHEREAS, It is the desire of their colleagues and all other patriotic citizens to see that the practices and positions of such men are maintained until they return, in so far as is practicable; therefore be it

Resolved, That the Council and House of Delegates of the California Medical Association take all reasonable steps to assist colleagues called to duty, to see that the practices of these colleagues are protected as far as possible either by arranging for consultative service under conditions whereby the identity of the absent physician's practice is maintained or by seeing that competent assistants are appointed; and be it further

Resolved, That the Council and the House of Delegates of the California Medical Association request the Hospital Associations of California to recommend to their component units that suitable resolutions be adopted, the purpose of which shall be that the maintenance of the staff or other appointments of the local physicians should be

assured until their return in good health from military service; and be it further

Resolved, That physicians working in hospitals called to duty shall, if possible, be given the opportunity to select their substitutes, the appointment of whom shall be subject to the approval of the hospital staff.

SPEAKER GOIN : Referred to Reference Committee No. 3. Further resolutions. Doctor Garland, of San Francisco.

DOCTOR GARLAND : Mr. Speaker, we have two additional resolutions from the San Francisco delegation :

Resolution Concerning Fee Schedule for Medical Services

WHEREAS, There is a minimum cost to providing medical services; and

WHEREAS, Many organizations in the State of California are arranging with physicians to care for their members below this figure; therefore be it

Resolved, That the Council of the California Medical Association investigate these costs and establish a minimum schedule below which members of such organizations may not be cared for by members of this Association on a capitation basis.

SPEAKER GOIN : Referred to Reference Committee No. 3.

DOCTOR GARLAND :

Resolution Concerning Water Pollution

WHEREAS, Certain tidal and littoral waters of California are polluted by sewage from large and small municipalities; and

WHEREAS, The bacterial content of this sewage is a public nuisance and endangers the public health; and

WHEREAS, The recent mobilization has caused large dumps of sewage and refuse to be added to this mass of infected and dangerous debris; therefore be it

Resolved, That the California Medical Association support the California State Board of Health in abating, controlling, and suppressing this nuisance.

SPEAKER GOIN : Referred to Reference Committee No. 3.

DOCTOR GARLAND : Lastly, I have a resolution, Mr. Speaker, which I should like to offer you as an individual member of this Association. *Resolution regarding Hospitalization Insurance*:

WHEREAS, The House of Delegates of the California Medical Association has consistently approved hospitalization insurance and has approved the inclusion of medical services in it, and said House has repeatedly insisted that diagnostic medical services are part of the practice of medicine, and has been upheld in this contention by the House of Delegates of the American Medical Association; and

WHEREAS, Certain hospital insurance associations in California are not complying with the spirit of these regulations, despite their having secured the approval of the Council of the California Medical Association by agreeing to provide straight hospitalization alone; now, therefore be it

Resolved, That the House of Delegates instruct the Council to withdraw approval of those hospitalization associations which persist in violating these regulations.

SPEAKER GOIN : Referred to Reference Committee No. 3.

Any further resolutions? The Chair will ask Doctor Shephard to produce his resolution which he presented by title to the No. 3 Committee tomorrow in triplicate, even though it's introduced officially Wednesday night. Are there any further resolutions? Is there any new business to come before the House?

Reference Committee No. 3 will meet tomorrow at what time? Doctor Ruddock?

DOCTOR RUDDOCK : It will meet tomorrow afternoon at 1:30 p. m., mezzanine floor of this hotel. We will proceed on until our business is completed. I would like to make an announcement at this time that I'd like to have everyone who is a proponent for a resolution, everyone who is against a resolution, to present themselves promptly before these committees, so that we can be expedited in our work. We have a large calendar ahead of us, as you have heard the Speaker say, "Pass that on to Committee No. 3." We

are Committee No. 3, as it has been called. Present yourselves, so that we can have the discussions in full before this committee.

SPEAKER GOIN: Committee No. 3, then, will meet at 1:30 tomorrow, on the mezzanine floor of the hotel behind screens, which you will see to your left around the corridor, as you come from the elevator, immediately in front of the room marked, "Council, Board of Directors Room."

Committee No. 1 will meet at 10 a. m. in Room 610.

Committee No. 2 will meet in Room 460 at 10 a. m.

Now each year the Speaker announces every delegate and member who is interested in any one of these proposals not only has the right, but has the positive duty and obligation to appear before the proper committee to debate the measure in which he is interested, to argue for or against its adoption. But every year, the day following this meeting, at least a hundred people ask whether or not it's all right for them to go to one of these committees. If you're interested in any measure that's been brought up tonight, please go to the appropriate committee tomorrow, or preferably by making an appointment; at least with the No. 3 Committee, which is going to have a tremendous agenda. But in any case, go and say your piece.

There will be a breakfast of the past presidents of the Association on Tuesday morning at 7:45 in private dining room—which private dining room, Doctor Kress? The private dining room off the main dining room. That's awful early for the past presidents—7:45.

The Chair will entertain a motion to approve the minutes of the House.

DOCTOR STONE: I so move.

DOCTOR LARSON: I second the motion.

SPEAKER GOIN: Moved by Stone, seconded by Larson, that the minutes of the House be approved. All in favor say "Aye"; contrary, "No." The motion is carried.

The motion to adjourn until Wednesday at 5 p. m. is in order. Doctor Peers wishes to make an announcement on behalf of the Medical Society of the State of California. Doctor Peers.

DOCTOR PEERS: The members of the Medical Society of the State of California, which is the organization having to do with medical defense, will meet in the small dining room off the main dining room tomorrow afternoon at 4:15 o'clock.

SPEAKER GOIN: Before we adjourn—gentlemen, please remember that the entertainment of the motion to adjourn is not equivalent to adjournment—before we adjourn, the House will meet in this room at 5 o'clock on Wednesday afternoon. It is a fixed intention of the House to commence to transact business the moment a quorum is present. Please come promptly at 5 o'clock, so we can get away in time for dinner. The Chair will now entertain a motion to adjourn.

Moved by Larson, seconded by Stone, that the House adjourn until 5 o'clock on Wednesday. All in favor say "Aye." Carried.

LOWELL S. GOIN, *Speaker*.

GEORGE H. KRESS, *Secretary*.

Attest: HARRY H. WILSON, *President*.

* * *

Second Meeting: Part I

May 7, 1941, at 5:00 p. m. in Auditorium:
Hotel Del Monte

SPEAKER GOIN: The meeting will please come to order. The Chair will recognize Dr. Walter S. Cherry of San Bernardino.

DOCTOR CHERRY: Mr. Speaker, your Committee on Credentials reports 115 delegates registered, constituting a quorum.

SPEAKER GOIN: Do I hear a motion to approve the Credential Committee's report?

DOCTOR McCLENDON: I so move.

DOCTOR LARSON: I second the motion.

SPEAKER GOIN: Moved by McCleendon, seconded by Larson. All in favor say "Aye," opposed—the motion is carried. The Secretary will call the roll of the House.

SECRETARY KRESS: (The roll call of the House was completed by Doctor Kress.) Mr. Speaker, A quorum is present.

SPEAKER GOIN: A quorum being present, and the provisions of the Constitution being complied with, the House is declared duly constituted and open for the transaction of business.

UNIDENTIFIED VOICE: Mr. Speaker, the Los Angeles delegation wishes to seat three more delegates at this time.

SPEAKER GOIN: How many vacancies have you? Fourteen? You may seat them.

UNIDENTIFIED VOICE: O'Neil, Benbow Thompson, Ralph Brunn.

SPEAKER GOIN: They're seated. Will the chairman of the Los Angeles delegation bring the list of the substitutions up to the Secretary? The Secretary will now announce the place of the next annual meeting. Doctor Kress.

Place of 1942 Annual Session: Hotel Del Monte

SECRETARY KRESS: Mr. Speaker and members of the House of Delegates. The Council has selected Hotel Del Monte, at Del Monte, as the annual session meeting place for 1942. (Applause.)

SPEAKER GOIN: The Chair now wishes to call on the President to perform a pleasant duty. Doctor Wilson.

DOCTOR WILSON: Mr. Speaker, ladies, and gentlemen. At this table, over on our left, is one of our new friends. And he became one of our friends in compliance with the request of your organization, by a committee of three representatives of the Council, who were designated to select an individual to fulfill certain duties to be provided for him by your Council, in helping carry out the functions and activities of the California Medical Association. Your committee was Doctor Gilman, the President-Elect, Doctor Rogers, and myself. We have reported rather fully, in the Council and the officers' reports, the activities of the Committee and the individuals who were concerned in it. Doctor Kress, our Secretary-Treasurer and Editor, a long, long proven friend, will occupy the offices that he has formerly fulfilled, and I know that all of you will feel free, as you have in the past, to call upon him for assistance and guidance and help in the problems that confront each of you as members of the California Medical Association, whether as individuals or as committee members. (Applause.) It is gratifying to hear the appreciation of Doctor Kress, personally gratifying, and, I know, gratifying to all of us who are his friends. In the office, too, is Mr. John Hunton, and I won't go into his antecedents or his previous experience, but you will find him a gentleman. He is efficient, he's ethical, and he's untiring. I would like the privilege tonight of introducing John to each and all of you as an additional friend and representative in the office, who will fulfill within his designated duties the same things and the same attitude that you would look for in your representative. John, will you be acquainted with your House. (Applause.)

Election of Officers

SPEAKER GOIN: Thank you, Doctor Wilson. The next order of business is the election of officers, and the Chair will now entertain nominations for the office of president-elect. The Chair recognizes Dr. Thomas Chalmers Myers of Los Angeles.

PRESIDENT-ELECT

DOCTOR MYERS: Mr. Speaker, members of the Convention, the duty that has been selected for me is a very pleasant one. I went to school with Bill Molony when we didn't have money to ride on the street cars and we walked back and forth. There's no way in the world where you can get to learn to know a man better than when you walk with him up and down the street. And I think that I know Bill Molony. He's a very prolific gentleman. He has two sons who are practicing medicine. They stay at home now and do much of the work. He was graduated from the old College of Medicine of the University of Southern California. He is a past president of the Los Angeles County Medical Association, and that's some honor down our way. For the past ten years he's been a member of the House of Delegates of the American Medical Association, where he has served on many committees, and always with credit. For twenty-seven years, gentlemen, he has been a member of the State Board of Medical Examiners and served for some years as its president. Many of you know how onerous is the work of that important Board. Gentlemen, you couldn't have a better man for your president, and I hope, I know, that he'll be the best president you've ever had. I thank you. (Applause.)

SPEAKER GOIN: Doctor Larson of Los Angeles.

DOCTOR LARSON: Mr. Speaker, delegates to this Convention, there are three principles by which we get along as neighbors and friends, and by which we get along as a democracy. They are: law, equality, and justice. And if you'll reflect upon those three principles, you will see that they are the things we expect, they are the things that we are willing to give. The man who has been nominated as president-elect for the California Medical Association has for twenty-seven years enunciated and practiced these three principles. With the troubles that we are having nationally in all matters of law and one thing or another, we need to choose men of dignity and men that have the respect of their colleagues and have the ability to serve. We have to look for a man who can serve with Doctor Wilson and the other presidents who have gone before him, and willing to take up the cudgel and do the fighting for us when some of us are going to war. Our nominee for president-elect has shown me during the time that I have known him, which is ten years, fairness and high character. He has the industry, he has the fairness, to do his job. I heartily endorse or second the nomination of Doctor Molony for president. (Applause.)

DOCTOR SHEPHARD: It gives me great pleasure, on behalf of the Santa Clara delegation, to second the nomination of Bill Molony.

SPEAKER GOIN: Doctor Adams.

DOCTOR ADAMS: Mr. Speaker, on behalf of what my friend, Doctor Roblee, like to all a "cow county," I want to second this nomination.

SPEAKER GOIN: Doctor Walker.

DOCTOR WALKER: For the members of the House of Delegates from the interior of the state, I think I can say that we echo all that has been said of Doctor Molony. We know of his untiring work and of his ability. We heartily second his nomination.

SPEAKER GOIN: Doctor Eusden.

DOCTOR EUSDEN: The story has been told. But, particularly in behalf of the Harbor Branch of the Los Angeles County Medical Association, we would like to pay tribute to the nomination of Bill Molony. We know that he not only will grace the office, but if elected it will come to him well-earned and deserved. We second the nomination.

SPEAKER GOIN: Doctor Molony of Los Angeles has been nominated for president-elect. Are there any further nominations? If there are no further nominations, they will be closed. Hearing none, the Chair declares the nominations closed. How will you vote?

UNIDENTIFIED VOICE: By acclamation.

SPEAKER GOIN: The Chair is not so sure that we can legally elect the president-elect by acclamation. You may direct the Secretary now to cast your ballot, if you like.

DOCTOR SHEPHARD: I move the Secretary be instructed to cast a white ballot for Bill Molony for president-elect of the California Medical Association.

DOCTOR POWELL: I second the motion.

SPEAKER GOIN: Moved by Doctor Shephard, seconded by Doctor Powell, that the Secretary cast the ballot of the House. All in favor say "Aye"; contrary, "No." Carried.

SECRETARY KRESS: Mr. Speaker. The Secretary has so cast.

(Vice-Speaker Askey takes the chair.)

VICE-SPEAKER ASKEY: Doctor Molony is elected. (Much applause.)

The next office for which nominations are in order is for election of the speaker of your House. I will entertain nominations for that office.

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SPEAKER

DOCTOR AYRES: Mr. Chairman.

VICE-SPEAKER ASKEY: Doctor Ayres.

DOCTOR AYRES: Mr. Chairman and members of the House of Delegates. Those of you who have attended previous conventions of the California Medical Association have become very familiar, I think, with the ability, the dignity, and the efficiency with which these meetings are conducted. Those of you, also, who are here for the first time have had ample opportunity to learn of these qualities from the man that I propose to nominate for speaker of the House of Delegates, Dr. Lowell Goin. (Prolonged applause.)

VICE-SPEAKER ASKEY: Doctor Stone.

DOCTOR STONE: I'm not given to speeches, but I second everything that has been said about the efficient way in which these meetings have been conducted, and therefore second the nomination of Doctor Goin for speaker of the House. (Applause.)

VICE-SPEAKER ASKEY: Doctor Doughty.

DOCTOR DOUGHTY: Mr. Speaker, I move the nominations be closed.

VICE-SPEAKER ASKEY: A motion of that character is out of order, because members have the right to make any nomination they desire. Are there further nominations for the office of speaker of this House? Hearing none, I declare the nominations closed. How will you vote?

DOCTOR DOUGHTY: I move the Secretary be instructed to cast the ballot of the House for Dr. Lowell Goin for speaker of the House of Delegates.

VICE-SPEAKER ASKEY: Second?

UNIDENTIFIED VOICE: Seconded.

VICE-SPEAKER ASKEY: The question is pressed. All in favor say "Aye"; opposed, "No." Motion is carried. The Secretary is so instructed.

SECRETARY KRESS: Mr. Speaker, the Secretary has so cast.

VICE-SPEAKER ASKEY: Doctor Goin is elected speaker of this House.

(Speaker Goin takes the chair.)

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VICE-SPEAKER

SPEAKER GOIN: Nominations are now in order for the office of vice-speaker. Doctor Bennett, Los Angeles.

DOCTOR BENNETT: Mr. Speaker, members of the House of Delegates. I should like to recommend the election of Dr. E. Vincent Askey as vice-speaker of the House of Delegates. As most of you know, he is not only an able parliamentarian, but he is an outstanding physician and an outstanding public servant, because of his many years of excellent service on the Los Angeles Board of Education. I hope that Doctor Askey will be reelected. (Applause.)

SPEAKER GOIN: Doctor Askey is nominated. Doctor Garland of San Francisco.

DOCTOR GARLAND: Mr. Speaker, I would like to second the nomination of Doctor Askey.

SPEAKER GOIN: Any further nominations? If there are none, the Chair will declare the nominations closed. Hearing none, they are declared closed. How will you vote?

DOCTOR BENNETT: Mr. Speaker, I move the Secretary cast a vote.

DOCTOR STONE: I second.

SPEAKER GOIN: Moved by Bennett, seconded by Stone, that the Secretary cast a ballot of the House. All in favor say "Aye"; contrary, "No." Carried, and so ordered.

SECRETARY KRESS: Mr. Speaker. The Secretary has so cast.

SPEAKER GOIN: Doctor Askey is declared elected vice-speaker. (Applause.)

VICE-SPEAKER ASKEY: I need hardly tell you, ladies and gentlemen, that I appreciate this more than I can say.

DISTRICT COUNCILORS

SPEAKER GOIN: The other officers to be elected at this time are, first, councilors.

The First District incumbent is Calvert L. Emmons of Ontario, term expiring. I will entertain nominations for councilor to replace Doctor Emmons in this position. Doctor Adams.

(Vice-Speaker Askey takes the chair.)

DOCTOR ADAMS: Mr. Speaker, for a number of years our First State District has been very ably represented on the Council by the incumbent, whose term is now expiring, Dr. Calvert L. Emmons of Ontario. Pursuant to the instructions in the by-laws, as amended last June, a meeting of the delegates of the First District occurred on May 11 at Laguna. The delegates there assembled, delegates of the First District, unanimously chose Dr. Calvert L. Emmons to succeed himself, particularly on account of the very faithful service that he has given the District for the past several years. I have great pleasure, Mr. Speaker, in placing in nomination for councilor for the First District, Dr. Calvert Emmons.

VICE-SPEAKER ASKEY: Nomination of Dr. Calvert L. Emmons is before you. Are there further nominations? Doctor Cherry.

DOCTOR CHERRY: I'd like to second this nomination.

VICE-SPEAKER ASKEY: Doctor Emmons' nomination is seconded. Are there further seconds or further nominations?

DOCTOR MCCLENDON: On behalf of Orange County, I'd like to second the nomination.

VICE-SPEAKER ASKEY: Are there further seconds or further nominations for this office? Hearing none, I declare the nominations closed. How will you vote?

DOCTOR STONE: I move that the Secretary cast the ballot of the House for Dr. Calvert L. Emmons.

VICE-SPEAKER ASKEY: There is a motion that the Secretary cast a ballot for Doctor Emmons. Is there a second to this motion?

DOCTOR GARLAND: Second the motion.

VICE-SPEAKER ASKEY: Motion seconded. All in favor say "Aye"; opposed, "No." Secretary is so instructed.

SECRETARY KRESS: Mr. Speaker. The Secretary has so cast.

VICE-SPEAKER ASKEY: Doctor Emmons is declared elected as councilor for the First District. (Applause.)

The next district is the Fourth District, incumbent being Axel E. Anderson, term expiring. Nominations are in order for this councilorship. Doctor Walker.

DOCTOR WALKER: Pursuant to the By-Laws, the delegates of the Fourth District wish to place in nomination to succeed himself, Dr. Axel E. Anderson. These votes

have been sent in by mail and he has been unanimously nominated by the delegates. We recommend the nomination of Doctor Anderson because he has given untiring service, and we hope that you will accept our recommendation.

UNIDENTIFIED VOICE: Mr. Chairman, I rise to a point of order.

VICE-SPEAKER ASKEY: State your point.

UNIDENTIFIED VOICE: Haven't the by-laws been changed so that only officers of the House can accept or reject the nominees of the caucus?

VICE-SPEAKER ASKEY: I'll have to ask for help on that.

SECRETARY KRESS: The By-Laws state:

Before the time set for the election of district councilors, the delegation of each Councilor District in which councilorship is about to be completed shall submit to the Secretary-Treasurer the name or names of one or more nominees to fill the said vacancies. The Secretary-Treasurer shall transmit the names of such nominee or nominees so submitted to him to the House of Delegates on or before the time set for the election. Action shall be taken by the House of Delegates upon the nominee or nominees so submitted. In the event that only one nominee has been submitted, the House of Delegates may, by a majority vote, either elect or refuse to elect the said nominee. If the House of Delegates shall reject the nominee of the delegates of the Councilor District concerned, then the said delegates must immediately elect or submit an additional nominee or nominees, and the House shall proceed to vote thereon. If there is but one nominee, the House may elect or reject him. If, after such time as the Speaker may allow, the delegates of such Councilor District fail to submit an additional nominee or nominees, the House of Delegates may then proceed to make nominations from the floor of the House. The vote shall then be taken by the House of Delegates to determine who shall be elected to the vacant councilorship. All nominees for district councilorship must be members in good standing, residing within the district in which the vacancy exists.

The Fresno County delegates sent in their delegation nominations, and I take it that those of the other counties will be very glad to sign the slip by Doctor Adams.

DOCTOR WALKER: Mr. Chairman, such vote has been taken and now is in the hands of the Secretary. Each delegate, except one who is not present at the meeting, signed this nomination.

VICE-SPEAKER ASKEY: I understand, then, Doctor, that this is the nomination of the Fourth District according to the rules. That being the case, is there a motion to elect or to vote on the nomination of Doctor Anderson, who has been presented by the Fourth District?

UNIDENTIFIED VOICE: I so move.

UNIDENTIFIED VOICE: I second.

VICE-SPEAKER ASKEY: All those in favor of the motion say "Aye"; those opposed, "No." Doctor Anderson has been nominated according to the rules and regulations. How do you wish to vote?

DOCTOR WALKER: I move the Secretary cast a ballot for Doctor Anderson.

UNIDENTIFIED VOICE: I second the motion.

VICE-SPEAKER ASKEY: There's a motion that the Secretary cast a ballot for Doctor Anderson. Seconded. All in favor say "Aye"; opposed, "No." Carried.

SECRETARY KRESS: Mr. Speaker, the Secretary has so cast.

VICE-SPEAKER ASKEY: Doctor Anderson is elected. (Applause.)

Next is the Seventh District, Oliver D. Hamlin of Oakland, term expiring. Is their nomination from the Seventh District in your hands, Mr. Secretary?

SECRETARY KRESS: The nomination for the Seventh District will be presented by Doctor Alexander.

VICE-SPEAKER ASKEY: Doctor Alexander.

DOCTOR ALEXANDER: It is with a distinct sense of sadness that I present this nomination. It is the unanimous verdict of the delegation of the Seventh District. I feel the sadness because I believe that organized medicine, and

California medicine in particular, is suffering a very definite loss when Dr. Oliver D. Hamlin, at his own request, retires from the Council. He has served medicine, as you know, long, faithfully, energetically, untiringly. But such sadness as I have is matched by a certain sense of gladness, because I believe, too, though there is an unquestioned loss, that there will be undoubtedly a gain in the acquisition of the candidate whom we nominate, Dr. Frank Makinson of Oakland. (Applause.)

VICE-SPEAKER ASKEY: You have heard this nomination. How will you vote? Will you move that the Secretary cast a vote?

DOCTOR LARSON: I so move.

DOCTOR GARLAND: Seconded.

VICE-SPEAKER ASKEY: Will those in favor say "Aye"; opposed, "No"; Secretary will so cast.

SECRETARY KRESS: Mr. Speaker. The Secretary has so cast. (Applause.)

VICE-SPEAKER ASKEY: Doctor Makinson is declared elected. The next is for nomination of councilors-at-large. Nominations for this office come from the floor.

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COUNCILORS-AT-LARGE

DOCTOR OTTO: Mr. Speaker.

VICE-SPEAKER ASKEY: Doctor Otto.

DOCTOR OTTO: Mr. Speaker and members of the House of Delegates. It's a great pleasure to me to recommend the name of a man who has served you faithfully for the past two years. He is vigorous, he has had eight years' experience on the County Medical Council, and is fearless in the interest of the future of Medicine. I think we can well put our trust in Dr. Earl Moody. (Applause.)

VICE-SPEAKER ASKEY: Are there any other nominations? Hearing none, the Chair declares that he is nominated. How will you vote?

DOCTOR MADSEN: I move the Secretary cast a ballot.

DOCTOR OTTO: I second.

VICE-SPEAKER ASKEY: There's a motion that the Secretary cast a ballot. Moved by Doctor Madsen of Santa Monica, seconded by Doctor Otto of Los Angeles. All in favor say "Aye"; opposed, "No." The Secretary is so instructed.

SECRETARY KRESS: The Secretary has so cast.

VICE-SPEAKER ASKEY: Doctor Moody is declared elected to this councilorship. (Applause.)

The office of councilor-at-large, incumbent, Philip K. Gilman, term expiring.

DOCTOR STONE: Mr. Speaker, we all know that Doctor Gilman has very efficiently performed his duties in the past years, and I do not wish to make any speech. On behalf of the San Francisco delegation, it gives me great pleasure to move that Doctor Gilman be nominated to succeed himself. (Applause.)

VICE-SPEAKER ASKEY: Are there further nominations for this office? Hearing none, the nominations are declared closed. How do you wish to vote?

DOCTOR KILGORE: I move the Secretary cast a ballot.

DOCTOR GARLAND: Seconded.

VICE-SPEAKER ASKEY: All in favor say "Aye"; opposed, "No." The Secretary is so instructed.

SECRETARY KRESS: Mr. Speaker. The Secretary has so cast.

VICE-SPEAKER ASKEY: Doctor Gilman is declared elected. (Applause.)

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DELEGATES TO AMERICAN MEDICAL ASSOCIATION

The next offices are those of delegates to the American Medical Association.

The first is that office now held by Doctor Elbridge J. Best of San Francisco, term expiring. Are there nominations?

DOCTOR STONE: Mr. Speaker, I desire to nominate Dr. Elbridge J. Best to succeed himself in the position of delegate to the American Medical Association.

VICE-SPEAKER ASKEY: Are there further nominations?

DOCTOR SHEPHARD: I second that nomination.

VICE-SPEAKER ASKEY: Are there further seconds or further nominations? If not, I declare the nominations closed. How do you wish to vote?

DOCTOR WOOLSEY: I move the Secretary cast a ballot.

DOCTOR STONE: I second.

VICE-SPEAKER ASKEY: All in favor say "Aye"; opposed, "No." The Secretary is so instructed.

SECRETARY KRESS: Mr. Speaker. The Secretary has so cast.

VICE-SPEAKER ASKEY: Doctor Best is declared elected. (Applause.)

These elections of delegates and alternates are for a two-year term of 1942-1943.

The next office is that held by Lyell C. Kinney of San Diego, term expiring. Doctor McClendon of San Diego.

DOCTOR MCCLENDON: Doctor Kinney of San Diego has been a delegate to the American Medical Association for many years. It is my desire to place his name in nomination again to succeed himself for the next two years, and I so do.

VICE-SPEAKER ASKEY: The nomination of Doctor Kinney is before you. Are there further nominations. If not, the Chair declares the nominations closed. How do you wish to vote?

DOCTOR STONE: I move the Secretary cast a ballot.

DOCTOR LARSON: Seconded.

VICE-SPEAKER ASKEY: All those in favor say "Aye"; opposed, "No." The Secretary is so instructed.

SECRETARY KRESS: Mr. Speaker. The Secretary has so cast.

VICE-SPEAKER ASKEY: Doctor Kinney is declared elected. (Applause.)

Next is the office held by Lowell C. Goin of Los Angeles, term expiring. Are there nominations? Dr. Bailey.

DOCTOR BAILEY: Mr. Speaker, for some years Doctor Goin has held this job and has made an excellent record. In his place I wish to put a man who has also made an excellent record, whom you all know and who requires no further introduction by me, Dr. Henry Wilson.

VICE-SPEAKER ASKEY: Are there further nominations? Hearing none, the nominations are declared closed. How do you wish to vote?

DOCTOR BENNETT: Move the Secretary cast a ballot.

DOCTOR WEST: Second.

VICE-SPEAKER ASKEY: All in favor say "Aye"; opposed, "No." The Secretary is so instructed.

SECRETARY KRESS: I so cast.

VICE-SPEAKER ASKEY: Doctor Wilson is elected. (Applause.)

The next position is that held by Henry S. Rogers of Petaluma, term expiring. Are there nominations for this position?

DOCTOR STONE: I desire to nominate Doctor Rogers to succeed himself as delegate to the American Medical Association.

VICE-SPEAKER ASKEY: Are there further nominations? Hearing none, the nominations are declared closed. How do you wish to vote?

DOCTOR MANER: Move the Secretary cast the ballot.

DOCTOR STONE: Seconded.

VICE-SPEAKER ASKEY: All in favor say "Aye"; opposed, "No." The Secretary is instructed.

SECRETARY KRESS: The Secretary so casts.

VICE-SPEAKER ASKEY: Doctor Rogers is elected. (Applause.)

Alternates to the American Medical Association must now be elected. The first office which will be taken care

of is that of Robert S. Stone, term expiring (alternate to Doctor Best). Are there nominations?

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ALTERNATES TO AMERICAN MEDICAL ASSOCIATION

DOCTOR STONE: Mr. Speaker, one of the things that amuses us as we go down the list of names is the number of people that go back in their same places. So for a little change I take great pleasure in nominating Doctor Chandler as alternate to the American Medical Association to succeed Doctor Stone. (Applause.)

VICE-SPEAKER ASKEY: Are there further nominations? If not, the nominations are closed. How do you wish to vote?

DOCTOR GARLAND: I move the Secretary cast a ballot.

DOCTOR BROWN: I second.

VICE-SPEAKER ASKEY: You have heard the motion. All those in favor say "Aye"; opposed, "No." The Secretary is so instructed.

SECRETARY KRESS: Mr. Speaker. The Secretary has so cast.

VICE-SPEAKER ASKEY: Doctor Chandler is elected as alternate to the American Medical Association, alternate to Doctor Best.

The next is the alternate to the position now held by Dr. Bon O. Adams of Riverside, term expiring, alternate to Dr. Lyell C. Kinney. Doctor McClendon.

DOCTOR MCCLENDON: Mr. Speaker, I'd like to nominate Dr. Bon Adams to succeed himself as alternate to Doctor Kinney.

VICE-SPEAKER ASKEY: The nomination is before you. Are there further nominations for this position? If not, the nominations are closed. How do you wish to vote?

DOCTOR MANER: Move the Secretary cast a ballot.

DOCTOR MOODY: Second.

VICE-SPEAKER ASKEY: Those in favor say "Aye"; opposed, "No." The Secretary is so instructed.

SECRETARY KRESS: Mr. Speaker. The Secretary has so cast.

VICE-SPEAKER ASKEY: Doctor Adams is declared elected. The next voting is for alternate in the position now held by Dr. Roy E. Thomas of Los Angeles, term expiring. Doctor Madsen.

DOCTOR MADSEN: On behalf of the Los Angeles delegation, I should like to nominate Dr. Roy E. Thomas to succeed himself.

VICE-SPEAKER ASKEY: Are there further nominations? Hearing none, the nominations are closed.

DOCTOR DEWEY: Move the Secretary cast a ballot.

DOCTOR LARSON: Second.

VICE-SPEAKER ASKEY: All in favor say "Aye"; opposed, "No." The Secretary is so instructed.

SECRETARY KRESS: The Secretary has so cast.

VICE-SPEAKER ASKEY: Dr. Roy E. Thomas is declared elected.

The next is that position as alternate to Doctor Rogers, position now being held by Dr. Philip K. Gilman. Nominations are in order.

DOCTOR STONE: I nominate Dr. Philip K. Gilman to succeed himself as alternate to Doctor Rogers.

VICE-SPEAKER ASKEY: Is there a second to the nomination?

DOCTOR POWELL: I second the nomination and move the Secretary cast a unanimous ballot.

DOCTOR KNEESHAW: Second the motion.

VICE-SPEAKER ASKEY: All in favor say "Aye"; opposed, "No." Carried. The Secretary is so instructed.

SECRETARY KRESS: The Secretary has so cast.

VICE-SPEAKER ASKEY: Doctor Gilman is elected to succeed himself as alternate to Doctor Rogers. The meeting is recessed until 8 p. m. this evening. Please be prompt.

(Meeting recessed at 6:15 p. m., Wednesday, May 7, 1941.)

Second Meeting: Part II (After-Recess Meeting)

Wednesday, May 7, 1941

Meeting reconvened at 8:30 p. m. in Auditorium
Hotel Del Monte

SPEAKER GOIN: Will the House please be in order? This is a reconvening of the recessed House, which was constituted this afternoon. There are certain vacancies in the delegations. These will be filled. The Secretary will call the roll. . . .

COUNCILOR—FIRST DISTRICT

This afternoon, through inadvertence, there occurred a slight error, which the House must now rectify. Last May at Coronado, immediately following the meeting of the House of Delegates, Doctor Tanner of San Diego submitted his resignation as councilor-at-large. In compliance with the Constitution, the Council elected on the following morning, Dr. Sam McClendon of San Diego. Doctor McClendon was really elected to fill the term until the House of Delegates met again. Nominations are, therefore, in order for the position of councilor-at-large to fill the unexpired term of Doctor Tanner of San Diego. The Chair recognizes Doctor Adams of Riverside.

DOCTOR ADAMS: Mr. Speaker. The delegation of the First District wishes to place in nomination the name of Dr. Sam McClendon to succeed himself at this time for the one year of Doctor Tanner's unexpired term.

SPEAKER GOIN: Any further nominations? If there are not, the Chair declares them closed. How will you vote?

DOCTOR LARSON: Move the Secretary cast a ballot.

DOCTOR GARLAND: Second.

SPEAKER GOIN: All in favor say "Aye"; opposed, "No." Declared and so ordered.

SECRETARY KRESS: The Secretary has so cast.

SPEAKER GOIN: Doctor McClendon is elected to fill out the unexpired term of Doctor Tanner of San Diego. (Applause.)

The Chairman of the Council, Doctor Gilman, will now pronounce the appointment of members for standing committees for the approval of the House. Doctor Gilman.

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DOCTOR GILMAN: Mr. Speaker, members of the House. The Council recommendations are as follows: (For roster of Standing Committees see advertising page 2. Council Minutes will appear in the July issue of CALIFORNIA AND WESTERN MEDICINE.)

SPEAKER GOIN: The Chair will entertain a motion to approve the appointments of the Council.

Moved by Maner, seconded by Delprat, that the appointments of the Council be approved. Discussion. All in favor say "Aye"; contrary, "No." Carried and so ordered.

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Report of Committee on Public Policy and Legislation

Is Dr. Dwight Murray in the House? Come forward, Doctor Murray, please. Members of the House of Delegates, it seems that you should be entitled to, and I'm sure you'll be interested in, at least a brief summary of the activities of the Committee on Public Policy and Legislation. Yesterday we should have called on Doctor Murray for a personal report and didn't, and I think we'd better take a few moments at this time for your benefit that Doctor Murray may give you a brief report on the activities of the Committee. Doctor Murray. (Applause.)

DOCTOR MURRAY: Mr. Chairman and Delegates of the House. The report that I gave on Monday morning here leaves little more to add. I will mention hurriedly and briefly, however, a few things that have happened. Of course, there were the usual number of bills, something over four thousand bills introduced, approximately 375 pertaining to medicine or the practice of medicine in some form or other. That is about the usual story, and it takes

about the usual amount of activity and work and going here and there, trying to be in two or three different places at two or three different times to keep up with them.

The bills hurriedly summarized (I couldn't tell you in five or ten minutes everything that's happened up there in two months), but the bills that the House of Delegates ordered passed last year were two.

One was a humane pound bill and the other was a bill having to do with the speed of doctors' automobiles on making emergency calls. The humane pound bill was—well, we had quite a show with it anyway; we had a lot of the movie people up there from Los Angeles and Hollywood, and all that sort of thing. I looked in vain to see Sam Ayres or George Maner, or some of those fellows, come up with them, but I never did see them. But, anyway, it was quite a show and we had quite a time, but the bill was very promptly tabled in spite of all we could do, but I think it probably upset any thought that they might have of trying to put through their antivivisection bill. So the antivivisection bill was then tabled, which we were very happy to see.

Then the Motor Vehicle Bill, as we call it, the speed bill for doctors, was modified and amended quite a lot and it will probably pass in some sort of form, but that won't bother very much.

I would like, if I might ask, Mr. Chairman, of the House of Delegates that they be very particular about ordering any bills reintroduced. Unless you feel that there is something very, very important, it is rather difficult sometimes to ask these men to get these bills through for you that are not of the utmost importance to the medical profession. Save your time, your steam, your ammunition until we have some bills that are very worth while. Offense is decidedly more difficult than defense, and we need to save a lot of our power for defense. Defense on such things as the chiropractors asking to take care of compensation cases—industrial cases I mean—on the same basis that you and I take care of them. We've knocked that bill down twice. They amend it, and I suppose they'll come back with it again. Frank MacDonald was over to help me one day.

Also the osteopaths, every time that there is a bill introduced or any bill coming up that has to do with medical practice in any way, the osteopaths are always there to put in their oar for themselves. For instance, the so-called County Hospital Bill, that's Senate Bill 1037, which was written by our Association two years ago, very much the same bill in very much the same form, was introduced again this year and was defeated, very largely probably because of the appropriation. (As you know, they're pretty economically minded up there this year, and anything costing anybody money is not popular.) But the osteopaths were right there to put in an amendment on that bill to include themselves in it. So, that's what I mean by defense.

I believe, gentlemen, that our Medical Practice Act, as it is, is pretty good and it could be infinitely worse by having some of these bills passed. That's what I mean by saying that offense is much more difficult than defense, and we should save our punch until something of very vital importance comes along.

The bills that we have been very vitally interested in are those pertaining to California Physicians' Service. They're Bill 562 and Bill 563. The former was vetoed by the Governor, and 563 we are hoping will not meet with the same fate. I don't know just what we'll have to do to get that done, but we can certainly live in hopes anyway until it is passed.

Regarding some of our other bills, I just received a telegram a few minutes ago saying that Bill 1475, that has to do with reciprocity of foreign medical graduates, passed the Senate with only three dissenting votes. It passed the Assembly about two weeks ago with a good vote of about 54 to 19. So that bill is on its way to the Governor and we hope he will sign it.

Other bills that are of some importance to us are bills from the Board of Medical Examiners. They always have in some bills that are of very vital interest to us all. The one that we are particularly interested in there is Assembly Bill 503, which has to do with the men from foreign countries who are practicing in the United States—that they be not given over ten points for years of practice. That bill is now waiting for the Governor's signature.

Another point that I would like to emphasize is that when your legislators come home, don't fail to treat them most kindly. The majority of them have been our friends. Pat them on the back and say, "Well, Bill, you did a pretty good job up there. We appreciate what you did for us." Don't forget to entertain them this summer, don't forget to entertain them during the winter and at other times. Don't wait until just before the legislature is due to convene again, but remain friendly with them and talk over your problems. Their interest in us shows very conclusively the work that the medical profession has done in the past few years. That plan has been followed out for some time—of knowing our legislators—and if you know them, you can talk to them. Many times I have talked to this man or that man, and he would say, "Oh, yes, my doctor down home was talking to me about that." He knows all about it. And you'd be surprised how conversant they are with the medical problems. I would urge that you continue those friendly relationships.

I wish to thank so many people that I cannot name them all personally, because we have called upon many men to help us out, and you have responded 100 per cent. There has not been a single request that we have sent out that hasn't been responded to most promptly. I'll tell you, gentlemen, that is the one thing that makes this job endurable. The key-men from various districts (of course you can't call up everybody, or send a telegram to everybody, or write everybody a letter, but we try to get around to the people who we think might know the Assemblymen or Senators best) have worked to help us out, and we appreciate it. We know you're working to help us. After all, we're all working for the same principles. We'd like to thank particularly the members of the State Board of Health. They have helped us a great deal. Doctor Brown and his men have been with us all the time. Also Pinkham and his men, Doctor Makinson and his committee, the Council, and everybody right on down the line, and our Public Health League have been of great assistance. Any time that we think we need any particular help in many ways, the Public Health League is there to help us. It's an organization that should be kept up and built on—the work of the Public Health League, this summer and winter.

Remember, the Legislature will be convening again in a couple of years, and we need all the assistance we can get. Our old friend, Doctor Harris, has always been there to help us.

SPEAKER GOIN: Thank you, Doctor Murray. It always occurs to me, as I listen to Doctor Murray talking, that nearly all of us have been a committee chairman at some time or other, and, generally speaking, we went up to the tap room and had a drink, and went home and thought we'd done a good day's work. I hope all of you really appreciate the tremendous burden of work that falls on this particular committee and especially on Doctor Murray. (Applause.)

Let me remind you once more that these meetings are being recorded electrically. Thank goodness this is still a democratic organization. You are all entitled to have your say on any subject whatever. But the recording machine doesn't know you. So don't be bashful. When you get up, say your name out in a good, loud voice. Come up here to the microphone and say what you like. Otherwise we just can't get your remarks into the proceedings of the House. Now, quite a few people have come in this evening, and this a recessed meeting of the House, so we did not have to have a roll call. The Chair feels that he

should remind you that only those that have been formally seated as delegates or alternates are members of this House. Now, it doesn't mean that you're not a member unless you were elected, because if the House has so constituted you, you are actually a member of the House. But only those who have been seated are entitled to the floor or to vote. If you will remember that, it will save us the necessity of having to have a roll call of the House presently.

The next order of business is the report of Reference Committees. The first will be the Committee No. 1, on the reports of officers and standing committees.

The Chair recognizes Dr. Frank J. Doughty of San Joaquin, Chairman.

REPORT OF COMMITTEE NO. 1

CHAIRMAN DOUGHTY: Mr. Speaker, Reference No. 1 submits the following report: *On the Reports of Officers and Standing Committees:*

Report of the President.

President Harry Wilson and the Special Committee have definitely put into effect the wishes of the House of Delegates, expressed in their session of May, 1940, resulting in an efficient reorganization of the administrative set-up of the California Medical Association. This has required courage and intelligence, and has been very well directed. Financially, the income of the California Medical Association is up \$1,249, and expenses, on the basis of reports submitted by the Treasurer and accountants, are down \$15,106.

The statement of President Wilson should be emphasized that, "without California Physicians' Service, each doctor would stand alone and isolated, voiceless, defenseless, and with no weapon to meet the encroaching, parental attitude that is threatening to wipe out private practice." We move the adoption of this section of the report.

SPEAKER GOIN: The adoption of this section is moved by the Chairman and seconded by Doctor Larson. Any discussion of this section of the report? If not, all in favor say "Aye"; contrary, "No." Carried, and the section is adopted.

CHAIRMAN DOUGHTY: *Report of the President-Elect.* This report shows the understanding of the President-Elect concerning the problems facing the physicians of California. We move the adoption of this section of the report.

SPEAKER GOIN: Adoption of this section moved by the chairman of the committee. Seconded by Maner, for a change. Any discussion? All in favor say "Aye"; contrary, "No." Carried, and section adopted.

CHAIRMAN DOUGHTY: *Report of the Past President.* This report shows his active participation in the affairs of the Association. We move the adoption of this section of the report. . . . (Adopted.)

CHAIRMAN DOUGHTY: *Report of the Speaker of the House of Delegates.* The Speaker of the House of Delegates recommends for a term of three years, tenure of office for speakership.

This, as you know, is largely a technical job, requiring great skill in parliamentary procedure.

In accordance with this suggestion, we therefore submit the following proposed amendment to Section 3 of Article X of the Constitution of the California Medical Association:

Resolved, That Section 3 of Article X of the Constitution of the Association, the California Medical Association be, and the same is hereby amended, by deleting from said section the words "for the term of one year" and inserting in lieu thereof the following, "for a term of three years," so the said section shall hereafter read as follows: "Section 3. Speaker and Vice-Speaker of the House When Elected—Term of Office. The House of Delegates shall at the regular

annual session thereof elect a Speaker of the House of Delegates and a Vice-Speaker of the House of Delegates, each to serve a term of three years, or until their successors are elected and assume office. The Speaker and Vice-Speaker shall be members of the House of Delegates at the time of their election."

The Speaker of the House of Delegates also recommends that the Constitution be amended, denying the members of the Council of voting power in the House. The Council is, obviously, the administrative and executive branch of our organization and the House of Delegates is the legislative branch. It is the opinion of your Reference Committee that this recommendation is sound and constructive. In accordance therewith, we therefore submit this amendment to Section 1 of Article V of the Constitution of the California Medical Association:

Resolved, That Section 1 of Article V of the Constitution of this Association, the California Medical Association, be, and the same is hereby amended, by deleting the present provisions of said section, and substituting in lieu thereof the following: "The House of Delegates shall consist of delegates elected by the component county societies, and, ex officio and without the right to vote, the officers of the Association, enumerated in Section 1 of the Article of this Constitution."

I move the adoption of this section of the report. . . . (Adopted.)

VICE-SPEAKER ASKEY: It's moved by the Chairman and seconded by Doctor Bennett. Is there discussion? Doctor Goin, Speaker of the House, wishes to speak regarding this resolution.

SPEAKER GOIN: I yielded the gavel to Doctor Askey because I wish to avail myself of the opportunity of saying this:

That I wouldn't have been bold enough to present this amendment lengthening the Speaker's term of office if I were not sure you would all realize that it has nothing to do with your present Speaker, since it must wait one year, at least, before it's acted on.

VICE-SPEAKER ASKEY: I may say that the adoption of the motion does not constitute an amendment to the Constitution. The motion is merely an adoption of the report, which places this before you. Is there discussion in regard to this? Are you ready for the question? All in favor say "Aye"; opposed, "No." This portion of the report is adopted.

CHAIRMAN DOUGHTY: *The Report of the Vice-Speaker.* shows that he has performed the duties of his office, and we move the adoption of this section of the report. . . . (Adopted.)

CHAIRMAN DOUGHTY: *Report of the Chairman of the Council.* Doctor Gilman has faithfully performed his duties. The report of the Council is in the "Pre-Convention Bulletin" in full. We move the adoption of this section of the report. . . . (Adopted.)

CHAIRMAN DOUGHTY: *Reports of District Councilors and the Councilors-at-Large.* These show that each has been diligent in fulfilling his duties and promoting the interests of organized medicine in his district.

Of particular interest was the Los Angeles Health Exhibit, sponsored by the Los Angeles County Medical Association. The councilors have been active in promoting public relations outside of the medical profession. This activity is important in increasing the influence of organized medicine. I move the adoption of this section of the report. . . . (Adopted.)

CHAIRMAN DOUGHTY: *Reports of Standing Committees.* Executive Committee. Excerpts of the meetings have been published, and we all know the valiant work which this committee is doing constantly in behalf of the profession and the public health. I move the adoption of this section of the report. . . . (Adopted.)

CHAIRMAN DOUGHTY: *Report of the Auditing Committee.* It has performed its function and presented a professional audit. We move the adoption of this section of the report. . . . (Adopted.)

CHAIRMAN DOUGHTY: *Committee on Associated Societies and Technical Groups.* Various groups have fulfilled their duties. We move the adoption of this report. . . . (Adopted.)

CHAIRMAN DOUGHTY: *Committee on Health and Public Instruction.* This committee reports no regular meetings during the year. Its main function has been served by the Council. I move the adoption of this section. . . . (Adopted.)

CHAIRMAN DOUGHTY: *Committee on History and Obituaries.* This committee feels that our State Association, which is approximately a century old, should have its past history clarified and recorded. It recommends that Council earmark a certain sum each year for this purpose, as warranted by the financial condition of this Association. I move the adoption of this section. . . . (Adopted.)

CHAIRMAN DOUGHTY: *Committee on Hospitals, Dispensaries, and Clinics.* This committee believes that rapid growth of the Los Angeles area and expansion of the defense program have created a shortage of private hospital beds. It recommends the wider use of convalescent homes, supplementing the private hospitals. In the opinion of your Reference Committee, further study of means of financing private hospital expansion should be considered. I move the adoption of this section. . . . (Adopted.)

CHAIRMAN DOUGHTY: *Committee on Medical Defense.* This committee and the former Committee on Public Relations distributed a pamphlet of medical defense to every member of the California Medical Association. The Committee commended the use of a "grievance committee" and the good work it can do in each medical society in aborting malpractice difficulties.

It also calls attention to the Medical Society of the State of California, which provides for a personal attorney in cases of malpractice. We move the adoption of this section. . . . (Adopted.)

CHAIRMAN DOUGHTY: *Committee on Medical Economics.* Attempts to promote compulsory sickness insurance and similar political excursions into the field of medical care have received the attention of this committee. It recommends that at least once a year an opportunity should be presented for every county medical society to discuss the important issues constantly arising in the field of medical economics. We heartily approve this, and we move the adoption of this section. . . . (Adopted.)

CHAIRMAN DOUGHTY: *Committee on Membership and Organization.* Reports the membership of the California Medical Association as 6,825. Move the adoption of this section. . . . (Adopted.)

CHAIRMAN DOUGHTY: *Committee on Postgraduate Activities.* During the past year clinical conferences or discussions, under the auspices of the Committee, have been held for sixteen county medical societies. In addition, many other opportunities for postgraduate training have been arranged. I move the adoption of this section. . . . (Adopted.)

CHAIRMAN DOUGHTY: *Committee on Publications.* Calls attention to the quality and high standing of CALIFORNIA AND WESTERN MEDICINE. Move the adoption of this section. . . . (Adopted.)

CHAIRMAN DOUGHTY: *Committee on Public Policy and Legislation.* The Committee desires to emphasize how important it is that county medical societies and members of component county units should not give collective or individual approval to proposed legislative measures unless the California Medical Association Committee on Legislation has been first consulted. This is fully desirable, so that such endorsements may be in harmony with prospective legislative procedures for the general welfare.

A brief summary of the proposed bills before the present Legislature is presented. The volume of work handled by this committee is necessarily great, but its intelligent efforts to promote the public health, with our active support, should yield fruitful results. I move the adoption of this section. . . . (Adopted.)

CHAIRMAN DOUGHTY: *Committee on Public Relations.* The major function of this committee has been to correlate interested groups and to arrange details of the final draft of the Basic Science Initiative. If passed, this will assure the public of the State of California that anyone who practices the healing art in any form will be an intelligent person, with a working knowledge of those basic sciences which are necessary in human physiology and anatomy. Signatures on the petitions are about to be sought. The Chairman urges the continuance of this committee. Move we adopt this section. . . . (Adopted.)

CHAIRMAN DOUGHTY: *Cancer Commission.* This committee has been coöperating with the Women's Field Army of the American Society for the Control of Cancer. The Commission has sponsored a program preceding the annual session, and is carrying on the work in public and professional groups in this very important field. I move the adoption of this section. . . . (Adopted.)

CHAIRMAN DOUGHTY: *Report of Special and Council Committees.* Report on local arrangements. "Under the chairmanship of Mast Wolfson and his excellent committee, we have been charmed by the beauties abounding in this continuous circle of enchantment." I move a special resolution of commendation for the excellent work of this committee in arranging for our entertainment, and I move the adoption of this section. . . . (Adopted.)

CHAIRMAN DOUGHTY: *Committee on Public Health Education.* The Public Relations Department, in one sense, has been discontinued, and much of this work has been taken over by Mr. Hunton, our new Executive Secretary. This appears to be a forward step, but your Reference Committee wishes to point out the importance and necessity that final control of any layman working in this field must rest with the medical profession. We believe that this will be possible.

The Committee on Public Health Education. This committee has presented to the Council a plan for release of a syndicated medical column, under the direction of a lay employee. Your Reference Committee believes that this is an excellent plan under proper editing. The Committee has advocated the formation of speakers' bureaus in all county medical associations. This is certainly an excellent idea, which should be further expanded to the field of radio. This committee has also done valuable work in giving publicity to the California Physicians' Service. I move the adoption of this section. . . . (Adopted.)

CHAIRMAN DOUGHTY: *Committee on Aid to Needy Members.* Your Reference Committee is in harmony with the principle of aid to needy members. The working out of a sound plan requires considerable study. I move the adoption of this section. . . . (Adopted.)

CHAIRMAN DOUGHTY: *Committee on Life Membership.* This Committee is presenting an amendment to the Constitution, permitting life membership for this session of the House of Delegates. We favor continued study of this plan and move the adoption of this section. . . . (Adopted.)

CHAIRMAN DOUGHTY: Mr. Speaker. The Reference Committee on Reports of Officers and Standing Committees, together with the reports on special committees, assigned to it by the Speaker, moves the adoption of this report as a whole. Signed: J. Frank Doughty, Chairman; Edwin S. Bennett, J. S. Wilbur.

VICE-SPEAKER ASKEY: Seconded by Doctor Larson. Discussion?

DOCTOR NEWELL: In the report of the President there's a paragraph which says, concerning the proposition to change the managership of CALIFORNIA AND WESTERN

MEDICINE, "The offer for a competent and experienced publisher to publish for us, subjective to proper contractual safeguard, CALIFORNIA AND WESTERN MEDICINE free will bring about an economy of nearly \$10,000 a year. Your President recommends that this contract be made." In voting for the adoption of this portion of the report, did I vote in favor of this recommendation?

VICE-SPEAKER ASKEY: No, you did not. Doctor Wilson has withdrawn that recommendation and the Council has already taken action.

(Speaker Goin takes the chair.)

SPEAKER GOIN: Doctor Makinson.

DOCTOR MAKINSON: As chairman of the Public Health Education Committee, there are one or two things I should state before this House of Delegates.

Mr. Hunton is very coöperative, and there is no danger that he is going to work without proper instruction, as has been shown by the manner in which he has coöperated up to date.

Also, regarding the syndicated health column; when this matter was presented to the Council in its meeting of a month ago, it was postponed until the meeting that has been held by the Council at this session, and was again turned down. It will not appear. Thank you very much.

SPEAKER GOIN: Doctor Sharp of Monterey County has requested permission of the Chair to introduce a constitutional amendment. With reference to amendments to the Constitution, an amendment may be introduced at either session of the House. It is merely received and laid upon the table of the House until next year. Doctor Sharp will therefore introduce the amendment.

DOCTOR SHARP: Mr. Speaker, members of the House of Delegates. Without comment I wish to present the following proposed amendment to Section 2 of Article IX of the Constitution.

Resolved, That Section 2 of Article IX of the Constitution of this Association, the California Medical Association, be, and the same is hereby amended by adding to such section a new sentence to follow the present provisions of such section and to read as follows:

The Council may by contract or resolution bind the Association to hold its annual session at the Hotel Del Monte, Monterey County, California, or at any other suitable place in California, for a period not to exceed — consecutive annual sessions, upon such terms and conditions as, in the discretion of the Council, may appear to be advantageous to the Association.

SPEAKER GOIN: That will be received and become an order of business at the next annual session of this House. Doctor Gilman, Chairman of the Council, has an announcement to make.

DOCTOR DOUGHTY: Mr. Speaker, a point of order. Has the report of the Reference Committee been put to a vote for an acceptance of the report as a whole?

SPEAKER GOIN: The question is now on the adoption of the report of Reference Committee No. 1 as a whole. Moved by the Chairman, seconded by Doctor Newell. All in favor say "Aye"; contrary, "No." (Adopted.)

Council Chairman Gilman is recognized.

DOCTOR GILMAN: Mr. Speaker, your Council recommends that the dues for the ensuing year be continued at the same rate of \$15 per person to aid in the passage of the Basic Science Law and to care for dues of those called to active duty in the armed forces.

SPEAKER GOIN: The question now is upon the approval of the dues, as fixed by the Council. The Chair will entertain a motion to approve the action of the Council. Moved by Dukes, seconded by Ruddock. Discussion? We're about to fix the annual dues.

DOCTOR SHEPHARD: Those of you who have been paying particular attention to the finances of this Association must fully realize that we have been close to the wall on our finances. There is no question but what in the past we may be accused of having frittered away our money. But, nevertheless, it has always been done with the best intentions and the best faith. Personally, as an individual, I do not like to coast along with a practically broken bank account. The possibility of increased expenses during the next year seems to me to indicate that we should strain a little bit if necessary. And, instead of trying to hold our Council down to a measly \$15 a year dues, I feel that the Council has been a little timid in not asking us for sufficient dues to put us on a firm financial basis. And I would like to suggest, if it meets with approval, that the dues be raised to \$25 a year instead of \$15.

SPEAKER GOIN: Doctor Shephard, do I understand you are proposing an amendment to that effect?

DOCTOR SHEPHARD: If it is in order, I so move.

SPEAKER GOIN: Is there a second to the motion. The Chair hears no second. Seconded by Lewis. The question is now on the amendment to the Council's report to the effect that the dues be raised from \$15 to \$25. Any discussion? Ready for the question?

All in favor of the amendment say "Aye"; contrary, "No." The "Noes" have it. The amendment is lost.

The question now recurs to the adoption of the Council's recommendation. Ready for the question? We're about to fix the annual dues at \$15. Be in order, gentlemen. All in favor say "Aye"; contrary, "No." Carried, and so ordered. Doctor Gilman.

DOCTOR GILMAN: Mr. Speaker, the budget for the year 1942, as drafted by the Auditing Committee and then considered and revised in turn by the Executive Committee and by the Council, is, in its present form, in line with the allocations as given by the Certified Public Accountants in the "Pre-Convention Bulletin." It is now before the House of Delegates for approval. To recall to you the specific sums mentioned in this document which was published, and which involves the greatest effort to reduce expenses along the line, the annual budget, you will recall, calls for \$91,788, with unbudgeted balance of \$35,612, making a total of \$127,400.

SPEAKER GOIN: The Chair will inquire of the Chairman of Committee No. 2, Doctor Bost, whether or not the budget was considered with the matters in the hands of that committee.

DOCTOR BOST: It was.

SPEAKER GOIN: Yes. No action will be necessary at this time then.

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REPORT OF COMMITTEE NO. 2

The next order of business will be the report of *Reference Committee No. 2, the Committee on the Report of the Council, and the Report of the Secretary-Treasurer*, Dr. Frederic C. Bost of San Francisco, Chairman.

CHAIRMAN BOST: Mr. Speaker, members of the House of Delegates. With your indulgence we will not read all of the report of the Council, which you have in hand in the "Pre-Convention Bulletin." Our report concerns the report of the Council and the report of the Secretary-Treasurer.

Under Item 1, the matter of reorganization was considered by the Council. Pursuant to the direction of the 1940 House of Delegates, the Council has carried out a reorganization of the central offices, which meets with the approval of your Reference Committee.

The Council requests direction by the House of Delegates as to *pension policy for retired employees*. Your

Reference Committee recommends that the Council create for its own use a pension committee, which will make a policy for its employees, giving particular attention to a contractual, contributing plan. Until some such policy is adopted by the California Medical Association, the Committee feels that a pension of \$40, granted by the Council to the retired members of our employees for age, should be continued. Mr. Speaker, we move the adoption of this part of the report. . . . (Adopted.)

CHAIRMAN BOST: Item 2 deals with the California Physicians' Service. Your Reference Committee heartily endorses the Council's report on the *California Physicians' Service* and particularly wishes to endorse the appreciation expressed for the valuable services rendered by Dr. Alson Kilgore. The Committee requests the adoption of this part of the report. . . . (Adopted.)

CHAIRMAN BOST: The Committee also urges the continued support by the California Medical Association of the new medical director and administrator, Doctor Larson. We move the adoption of this section. . . . (Adopted.)

CHAIRMAN BOST: Item 3, dealing with legislation. Your Committee fully realizes the enormity of the work involved in following legislative actions concerning medical matters, and heartily endorses this section of the Council's report, with the recommendation that this House of Delegates reaffirm its past resolution, to the effect that component county societies of this Association should not endorse legislative bills in California, except after such proposed amendments have been referred through the central office of the Association to the Committee on Public Policies and Legislation. We move the adoption of this section. . . . (Adopted.)

CHAIRMAN BOST: Your committee further recommends that this House instruct the Council to continue its efforts to restrict the use of the *procedure or regulation, adopted by the Industrial Accident Commission on October 16, 1940*, which resolution pertains to the disclosure of medical and hospital records to any searcher, to the end that confidential communications between physician and patient shall not be disclosed, and to the end that private records and documents shall not be searched or seized without due process of law.

We recommend that the Council, having in mind the foregoing principles, be free to take such action as it may deem advisable under such circumstances as may arise. We recommend the adoption of this section. . . . (Adopted.)

CHAIRMAN BOST: Item 4, the *Basic Science Act*. Your Reference Committee heartily endorses the action of the Council in its attitude on the Basic Science Initiative. We recommend the adoption of this section. . . . (Adopted.)

CHAIRMAN BOST: Item 5. Your Committee approves the action of the Council in the matter of the *Indemnity Defense Fund*. We request the adoption of this section. . . . (Adopted.)

CHAIRMAN BOST: Items 6 and 7. Your Reference Committee views with favor the Council's report on *Medical Preparedness*, and also the continuation of the *Annual Secretaries' Conferences*. We recommend the adoption of this section. . . . (Adopted.)

CHAIRMAN BOST: Your Reference Committee congratulates the Council on the arrangements which have been made for this annual session and wishes to express deep

appreciation for the continued support given by the technical exhibitors. Move the adoption of this section. . . . (Adopted.)

CHAIRMAN BOST: Item 9. Your committee views with favor the report on *Postgraduate Work* and suggests that in the future attention be given to the inclusion of topics concerning industrial medicine in its curriculum. We move the adoption of this section. . . . (Adopted.)

CHAIRMAN BOST: Item 10. We approve the attitude of the Council on Exhibits. We move the adoption of this section. . . . (Adopted.)

CHAIRMAN BOST: Item 11. Your committee is in thorough accord with the Council's expression of appreciation concerning the value of the county society grievance committees. I recommend the adoption of this section. . . . (Adopted.)

CHAIRMAN BOST: Item 12. Your Reference Committee is particularly impressed with the great service which has been rendered by the *Woman's Auxiliary*, and desires to call to the attention of the House of Delegates the tremendous work which falls upon the General Chairman of the Auxiliary Committee at each annual session and throughout the year. It recommends that for their aid we offer them the establishment and maintenance of a corresponding secretary in the central office of the Association. I move the adoption of this section. . . . (Adopted.)

CHAIRMAN BOST: Item 13. Your committee views with a great deal of satisfaction the increase of membership in this Association. We move the adoption of this section. . . . (Adopted.)

CHAIRMAN BOST: Item 14. Your committee has carefully considered the Council's report on the *Special Assessment* which was levied by the 1939 House of Delegates, and recommends that no further action be taken to attempt to collect from those members who have not paid such assessment. We move the adoption of this section.

SPEAKER GOIN: Seconded by Doctor Maner. Is there any discussion of this? The effect of the adoption of this is to wipe from the books the amount which is still owing the Association on the assessments. Any discussion? Ready for the question? All in favor say "Aye"; contrary, "No." The Chair is in doubt. Will those voting "Aye" hold up their hands? Count please, Mr. Secretary, on that. Will those voting "No" please hold their hands up? Sixty-seven "Ayes." Carried.

CHAIRMAN BOST: The Committee further recommends that the House of Delegates amend the Constitution to properly care for both the levying of and the collection of future assessments.

The Committee has discovered that such an amendment, introduced in the 1940 Council report, was apparently overlooked by the Reference Committee, to which the report was assigned. No mention of this amendment was made by the 1940 Reference Committee and, therefore, no action was taken by the 1940 House of Delegates. Consequently, this amendment did not appear in the 1941 "Pre-Convention Bulletin," and therefore we beg leave to introduce it at this time.

PROPOSED AMENDMENT—REGARDING ASSESSMENTS

May I introduce this amendment, Mr. Speaker?

The proposed amendment is as follows:

"Amendment to Article XI, Section 1, of the Constitution of the California Medical Association.

Resolved, That Section 1 of Article XI of the Constitution of this Association, the California Medical Association, be, and same hereby is, amended by striking out of said section the following: "Funds may also be raised by voluntary contributions, through bequests, legacies, devises, and gifts, and from the Association's publications, by special assessments, and in any other manner approved by the House of Delegates." And by inserting in lieu thereof the following: "Funds may also be raised by any of the following methods: (a) publications of the Association; (b) voluntary contributions; (c) bequests, legacies, devises, and gifts; (d) special assessments levied by the House of Delegates; and (e) in any other manner approved by the House of Delegates. In the event that the House of Delegates levies any special or other assessment other than the annual assessment of dues, it may, in the resolution levying the assessment, fix and determine the time within which such assessment must be paid, the class or classes of members of the Association upon whom it is levied, and the penalty, if any, including forfeiture or suspension of membership in this Association or the component county medical society, or both, to result from nonpayment thereof within the time prescribed."

We move the adoption of this section.

SPEAKER GOIN: Seconded by Doctor Doughty. The Chair will now detach the amendment from the Committee's report, and it will remain upon the table of the House for one year. The adoption of this section of the report has no effect upon the amendment proposed. The motion is now on the adoption of this section of the report. Are you ready for the question? All in favor say "Aye"; contrary, "No." Carried.

CHAIRMAN BOST: Item 15. Your Reference Committee commends that part of the report dealing with *Councillors' Visits to Component Medical Societies*. We move the adoption of this section of the report. . . . (Adopted).

CHAIRMAN BOST: Added to the Council report was a report of a special committee appointed to consider an amendment presented by the Santa Clara delegation in 1940. This had to do with *Hospitalization Costs and Hospital Insurance*.

The Council has made certain recommendations, and the Committee feels that the resolution, as tabled by the Council, should be deferred at this time on account of certain legal implications which it might involve. Your committee also recommends further study on this subject by the Council. We move the adoption of this section. . . . (Adopted.)

CHAIRMAN BOST: *Report of the Secretary*. The Committee endorses the report of the Secretary, and calls special attention to that portion concerning a budget for *Transportation and Maintenance of Exhibits at State and County Fairs*, and recommends that the Council be authorized to provide reasonable sums for such purposes. We move the adoption of this section of the report. . . . (Adopted.)

CHAIRMAN BOST: *Report of the Treasurer*. Your Committee's review of the *Report of the Treasurer* shows a sound financial position at the present time, but your committee feels obliged to call attention to the unusual expenditures likely to be incurred this year in connection with the Basic Science Act, and calls for consideration by this House of Delegates as to whether or not these expenditures should be allowed to deplete the reserves of this Association, or whether they wish to contemplate increased annual dues or special assessments. We move the adoption of this section. . . . (Adopted.)

CHAIRMAN BOST: Mr. Speaker, I move the adoption of this report as a whole. It has been signed by the Committee members: Dr. John Hunt Shephard, Dr. Ralph C. Leggo, and Dr. Frederic C. Bost, Chairman.

SPEAKER GOIN: Moved by the Chairman, seconded by Doctor Shephard, that the report as a whole be adopted. Discussion. All in favor, "Aye"; contrary, "No." Carried, and the report is adopted. Thank you, Doctor Bost. (Applause.)

Sometimes at this time the House wishes to take a brief recess. What is your pleasure? Do you? (No.)

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REPORT OF COMMITTEE NO. 3

The next order of business is the *Report of Reference Committee No. 3, the Committee on Resolutions, Amendments to the Constitution and By-Laws, and New and Miscellaneous Business*, Dr. John C. Ruddock of Los Angeles, Chairman. Doctor Ruddock.

CHAIRMAN RUDDOCK: Mr. Speaker. I would ask that there be a slight recess at this time in order that there be a distribution of mimeographed copies, which we would like to have in the hands of each delegate.

SPEAKER GOIN: We'll pause long enough for that purpose. In the meantime, if you will look at page 3 of this report when you get it, you'll find that the typist has made a slight error. In the first inset section, quoting Section 1 of Article XII, the words "the Vice-Speaker" have been omitted. They're in the published report in the "Pre-Convention Bulletin," and this is merely a copyist's error. So please add mentally the words, "and the Vice-Speaker."

The Chair recognizes Dr. John C. Ruddock of Los Angeles, Chairman of Reference Committee No. 3.

CHAIRMAN RUDDOCK: At this time I wish to make an announcement with regard to the distribution of these mimeographed copies that you have in your hand. Due to time and the hurry of the clerical transcribing, there are some clerical errors that appear in the copy that you have. I will try to call your attention to them as we go along.

Mr. Speaker, members of the House of Delegates: Your committee, Reference Committee No. 3, has met and held hearings on the amendments and resolutions that have been referred to it, and we beg to report to you as follows:

Addendum to the report of the Council, entitled "Resolution Concerning Waiver of Dues for Members in Active Service in the Armed Forces."

The Council has considered very seriously the hardships imposed upon some members of the Association who have been called into military service, being required to pay full dues in order to retain membership during the period of military service. The Council is particularly concerned with those members who have been and will be called into military service, whose incomes will be materially reduced by such service. It has been felt that dues should be reduced or waived during the period of service. However, the Constitution of the Association requires that annual dues be equal and uniform with respect to all members. Therefore, neither the Council nor the House of Delegates can reduce or waive dues for members in military service without an amendment to the Constitution. An amendment has been prepared to this end and has been introduced by the Chairman of the Council into this House of Delegates. The constitutional amendment cannot be acted upon for one year. Meanwhile the problem is an immediate one. Therefore, the Council has adopted the following resolution and respectfully requests the House of Delegates to ratify and confirm it:

Resolved, That in connection with the payment of annual dues to this Association by any active member entering the armed forces of the United States, the Council may direct the Secretary-Treasurer to pay the dues of such member for the year 1940 or the year 1941, or both, as the case may be, out of the general funds of the Association, said advance from the funds of the Association to be considered as a loan from the Association to each such member.

You will note that the foregoing resolution contemplates advances on behalf of such members and not an outright gift or waiver of dues. You will also note that constitutional amendment to be introduced will, when enacted, be retroactive in effect, so that after the constitutional amendment has become a part of the Constitution, the House of Delegates may then waive in full or in part the repayment of such advances by the members affected. Mr. Speaker, your committee recommends this pass. I, therefore, as chairman, move the approval of this addendum to the report of the Council.

SPEAKER GOIN: The adoption of this section of the report is moved by the Committee Chairman. Is there a second? Seconded by Doctor Madsen. Is there any discussion? The object will be to effect a maneuver by which dues of those in military service may actually be skipped. Any discussion? All in favor, "Aye"; contrary, "No." It is carried, and the section is adopted.

CHAIRMAN RUDDOCK: Mr. Speaker, I now move the adoption of the resolution.

DOCTOR DOUGHTY: Seconded.

SPEAKER GOIN: Moved by the Committee Chairman, seconded by Doctor Doughty, that the resolution be adopted by the House. Is there any discussion? All in favor, "Aye"; contrary, "No." Carried, and it is adopted.

CHAIRMAN RUDDOCK: Now, in regard to the detailed **Report of the Committee on Aid to Needy Members**, which was read in the House of Delegates last night, your committee has read the report and we compliment the Committee on its detail, which signifies much research work, and we wish to compliment them at this time upon their grasp of the problem which faces the California Medical Association, in aiding our less fortunate members.

Your committee, therefore, recommends the adoption of this detailed report of the Committee on the Aid to Needy Members. Mr. Speaker, I move the adoption of this report.

SPEAKER GOIN: Adoption moved by the Chairman, seconded by Doctor Anderson. Any discussion? Doctor Madsen.

DOCTOR MADSEN: Mr. Chairman, it would seem to me that the trends of the times are toward the provision for stipends for old age. If there is one person in the realm of our life who has no stipend arranged for him, it is the physician. I'm heartily in favor of this resolution, but I should like to see it go further. I feel that we should memorialize the American Medical Association to take somewhat similar action.

SPEAKER GOIN: Any further discussion? Ready for the question. The question is on adoption of this section of the report. All in favor, "Aye"; contrary, "No." Carried and adopted.

CHAIRMAN RUDDOCK: I move the adoption of this portion of the report of Committee No. 3.

SPEAKER GOIN: All in favor, "Aye"; contrary, "No." This section is adopted.

CHAIRMAN RUDDOCK: I might make an announcement at this time that I have not yet come to the part that you have in your hands in the mimeographed copies. I will so notify you when we get there.

Mr. Speaker and members of the House of Delegates, your committee has carefully studied the proposed *Amendments to the Constitution* which were introduced at the thirty-second annual session of the House of Delegates, held at Hotel Coronado, May 6, 1940. Eight amendments were submitted at that time. You all have copies of them, I am sure, in your hands.

Amendments 1 to 5 have to do with changes in the Constitution, and, in the judgment of the Committee, contemplate five separate purposes. These purposes are interlaced among the amendments, and we desire to acquaint you

with the purposes so that you may understand the purport of the adoption or the rejection of these amendments. The changes proposed in these amendments can be listed as follows:

First, that the Secretary-Treasurer and Editor of the Association has no right to vote in the Council or Executive Committee, but shall have the right to be an ex-officio member thereof.

Second, that the Secretary-Treasurer and Editor shall not be a member or members of the House of Delegates.

Third, that the Council may contract employment of a Secretary-Treasurer for a period of three years, instead of one year, as at present.

Fourth purpose, that the Secretary-Treasurer and Editor and assistants and associates may be other than doctors.

Fifth purpose, that the Chairman of the Public Relations Committee will no longer be a member of the Council or the Executive Committee.

Your committee desires that the House of Delegates understand these amendments and we, therefore, will submit them to you in an explanatory way, so that in their adoption or rejection you may decide the purport or intent of these amendments.

Your committee wishes that this House of Delegates decide whether or not the Secretary-Treasurer should be an ex-officio member without the right to vote in the Executive Committee. An affirmative vote on the **Proposed Amendment to the Constitution, No. 1**, removes the Secretary-Treasurer and Editor from the House of Delegates.

The arguments in favor of this amendment are as follows: First, at some time in the future the Secretary-Treasurer may not be a doctor of medicine or a member of our Association. The argument in favor of this amendment is that the Secretary-Treasurer and Editor is an administrative employee of the organization and not an elected, executive official. The second argument in favor is that, as a secondary action, if the proposed amendment No. 4 is passed, the Secretary-Treasurer and Editor may not at some future time be a doctor of medicine. Now, the arguments against this proposed amendment are that the presence of the Secretary-Treasurer and Editor are necessary for the conduct of business in the House of Delegates.

The exercise of voting power by the Secretary-Treasurer is of little importance, but the Secretary-Treasurer should have the right of the floor, instead of merely the privilege of the floor, for the discussion of issues or for the enlightenment of the House of Delegates concerning facts and details which often involve large financial obligations to the Association. To deprive the House of Delegates from active participation of the Secretary-Treasurer and Editor in the discussion of problems would be deleterious to the Association. Should this amendment pass, the House may be deprived at any time of the advice of the Secretary-Treasurer upon the objection of one delegate.

As the Committee is divided, and a majority thereof is opposed to the adoption of the amendment, I formally move, as chairman, that this amendment be rejected.

SPEAKER GOIN: Doctor Ruddock, the motion is hardly in order. As committee chairman, you should move that the amendment be adopted. But if you wish to explain that this is purely parliamentary, the motion should be to adopt the amendment. Then the House may adopt or reject, as they wish. We shouldn't vote on a motion to reject it. With your permission, I'll put the motion, as moved by the Committee Chairman, that the amendment be adopted. Is there a second?

DOCTOR GARLAND: Seconded:

SPEAKER GOIN: Seconded by Doctor Garland. Is there any discussion? This is an important matter now, the adoption of this constitutional amendment.

DOCTOR WILSON: Point of order, Mr. Speaker. Maybe I misunderstand English, but is not the Chairman of a Reference Committee privileged to state the majority opinion of the Committee's reaction to whether an amendment should be adopted or not. If they are opposed to it, do they of necessity have to bring in an affirmative report?

SPEAKER GOIN: The parliamentary custom is to vote on the adoption of amendments in the affirmative. It is just as easy to reject one way as the other. There's no confusion in anyone's mind as to what's being done.

DOCTOR DOUGHTY: Mr. Speaker, certainly there must be a motion before the House before it can be discussed, and that's straight to the point. You can't discuss it or you can't vote on it till it has been put. Therefore, it must be put affirmatively.

SPEAKER GOIN: That is the Chair's ruling. It doesn't really make any difference. You still vote just as you please. Is there any discussion on the adoption of this amendment? Doctor Kilgore.

DOCTOR KILGORE: Point of information. I'm still not entirely clear, even after this very lucid explanation. Will the passage, the rejection of this amendment leave the Secretary-Treasurer a member of the House of Delegates with the right to vote?

SPEAKER GOIN: If this amendment is adopted, the Secretary-Treasurer ceases to be a member of this House, with right to vote. If it is not adopted, he remains in the situation in which he is now, an elected officer, as much a delegate as anyone else. Doctor Ayres.

DOCTOR AYRES: It seems to me that the argument that at some future time the Secretary-Treasurer may not be a doctor is beside the point. It is perfectly reasonable that this Association have a doctor as a secretary-treasurer, and any time it is perfectly possible to have paid employees to carry out detailed executive work the same way that some of the county societies do. I would, therefore, urge that this recommendation be defeated, so that our Secretary-Treasurer may continue to have his vote.

SPEAKER GOIN: Any further discussion? Doctor Walker.

DOCTOR WALKER: I think we have the thing situated as it should be now. The Council has the right and has employed laymen for the work. I think we should have our secretary of the Society; we should have the value of his information at any time. I think he should be a medical man, whether he needs to be a full-time man or not. I am against this amendment to the Constitution.

SPEAKER GOIN: Any further discussion? Doctor Garland.

DOCTOR GARLAND: The members of the House should realize that the Secretary is appointed by the Council, not elected by the House. Furthermore, the members should realize that the Secretary, or any other person, can come and sit here with the House of Delegates' consent. It is inconceivable that he shouldn't be present and express his opinion at meetings of this type. It is true that, strictly speaking, as Doctor Ruddock says, the delegates could object to his presence. They might have very good reasons for doing so. Therefore, I do think that the Chairman of this Reference Committee No. 3 has unintentionally clouded the issue. This amendment was proposed, as you all know, with a very good purpose in mind. Therefore, I recommend to all of you that it be passed.

SPEAKER GOIN: Any further discussion? Ready for the question? Adoption of this amendment—an "Aye" vote, in other words, will adopt this amendment and will deprive the Secretary-Treasurer of his membership in the House of Delegates. All in favor of the adoption of the amendment say "Aye"; contrary, "No." The "Noes" seem to have it. The amendment is lost.

CHAIRMAN RUDDOCK: In regard to **Proposed Amendment to the Constitution, No. 2**, your committee has studied this proposed amendment, which allows the Secre-

tary-Treasurer and Editor to be a member of the Executive Committee *ex officio* and allows him to participate in all discussions and all matters of business coming up before the Executive Committee. But he remains *ex officio*, without the right to vote. Your committee concurs in this proposed amendment and feels that, because the Secretary-Treasurer and Editor is a paid employee of the Association, it is not entirely democratic for him to pass judgment on Association affairs. Your committee is unanimous in approving this amendment, and therefore, as its chairman, I move its adoption.

SPEAKER GOIN: Moved by the Chairman of the Committee that this amendment be adopted. Is there a second?

DOCTOR GARLAND: Seconded.

SPEAKER GOIN: Seconded by Doctor Garland and various other people. Any discussion? All in favor of the adoption of this amendment say "Aye"; contrary, "No." The "Ayes" have it. The amendment is adopted.

CHAIRMAN RUDDOCK: **Proposed Amendment to the Constitution, No. 3.** Your committee feels that this amendment is self-explanatory in that it allows the Council to enter into contracts of more than one year, and not more than three years, for the employment of a secretary-treasurer and editor or any assistants to either. The Committee being unanimous in its approval of this amendment, I, as chairman, therefore move the adoption of this amendment.

SPEAKER GOIN: A second?

DOCTOR ALEXANDER: Seconded.

SPEAKER GOIN: Who seconded? Doctor Alexander, Moved and seconded that this amendment be adopted. Is there any discussion? All in favor say "Aye"; contrary, "No." The "Ayes" have it. The amendment is adopted.

CHAIRMAN RUDDOCK: **Proposed Amendment to the Constitution, No. 4.** This amendment explains itself, and refers to qualifications for the office of secretary-treasurer and editor and assistants to each. Your committee is divided, a majority believing that the characteristics of membership in this Association require that the office of secretary-treasurer and the office of editor should be held only by a doctor of medicine. A minority believes that the Council should have the right to appoint a layman to these offices if a layman with sufficient qualifications is available when no doctor with sufficient qualifications is available.

When the attention of the Committee was brought to the fact that Section 8, Chapter V, of the By-Laws requires that the Secretary-Treasurer shall be the chairman of the Committee on Scientific Work, which committee determines the character and scope of the scientific proceedings of the Association, the Committee was unanimous in recommending against adoption of this constitutional amendment at this time. I, as chairman, therefore move the adoption of this amendment.

SPEAKER GOIN: Explaining to the House that the Committee is unanimously opposed to it, nevertheless, formally, the Chairman moves the adoption so it may be before the House.

DOCTOR DOUGHTY: Seconded.

SPEAKER GOIN: Seconded by Doctor Doughty. Is there any discussion? If you wish to reject this amendment, you should vote "No" on the motion. All in favor, "Aye"; contrary, "No." The amendment is lost.

CHAIRMAN RUDDOCK: **Proposed Amendment to the Constitution, No. 5.** These amendments will eliminate the Chairman of the Committee on Public Relations from membership in the Council, membership in the Executive Committee, and as an officer of the Association, with a right to sit as a member of the House of Delegates. The Committee is unanimous in concluding that, while excellent

work has been done by this Committee on Public Relations under its various chairmen, and most recently by Dr. Donald Cass in connection with the Basic Science Initiative, the necessity for the continuance of the chairman as a part of the Council and Executive Committee and one of the officers is not now present. The Committee also feels that the House itself, by the creation of the Committee on Public Health Education, has delegated to that committee a substantial proportion of the functions formerly exercised by the Committee on Public Relations. Your committee wishes to draw the attention of the House of Delegates to the fact that the Council has failed, since the inception of this department, to use this department and the Public Relations Committee as a subcommittee for the Council, and has in the past repeated the work of this committee, at the expense of time, energy, and money, so that the work has been of value only as a basis for duplication of the same work by the Council. It is also felt by the Committee that the Council and Executive Committee of our Association should be as small as is consistent with their proper functioning. And, therefore, the elimination of one member at this time would be a step in the right direction. Your committee is unanimously in favor of the adoption of this amendment—No. 5—and I, therefore, as its chairman, move its adoption.

DOCTOR DOUGHTY: Seconded.

SPEAKER GOIN: Seconded by Doctor Doughty. Is there any discussion on the adoption of this amendment? Doctor Newell.

DOCTOR NEWELL: I've been puzzled about this, the circularization of the amendments in CALIFORNIA AND WESTERN MEDICINE. We've just passed, we've just moved the adoption of proposed Amendment No. 2, Section 8, Article VII, "The Executive Committee shall consist of the President, Vice-President, President-Elect, Speaker of the House of Delegates, Chairman of the Council, Chairman of the Auditing Committee, Chairman of the Committee on Public Relations, and ex officio, but without the right to vote, Secretary-Treasurer and Editor." We are now asked to vote a resolution that Section 8 of Article VII, which is the same section, read, "The Executive Committee shall consist of the President, Vice-President, President-Elect, Speaker of the House of Delegates, Chairman of the Council, Chairman of the Auditing Committee, Secretary-Treasurer and the Editor," leaving out the terms, "but without the right to vote." I dare say, Mr. Speaker, that it is not correct to move an adoption of a constitutional amendment; that would have to be put through as an extra constitutional amendment. Will you rule on this? Will you explain, or have your Secretary explain, or have the Chairman of the Reference Committee explain, how to quiet the conflict between those two readings of Section 8?

SPEAKER GOIN: Well, Doctor Newell, your Speaker was just as puzzled as you are, and so he went and saw the legal department, and do you want to explain it, Doctor? Doctor Ruddock maybe can explain it to you.

CHAIRMAN RUDDOCK: Your committee, as well as the Speaker, was also confused on the same issue. So I have before me an explanation by legal counsel, and I hope that you will be able to understand it. (Much laughter.) With all due respect to Mr. Peart, I shall read his opinion:

Two of these proposed amendments relate to the same section of the Constitution. Proposed Amendment No. 2 and Proposed Amendment No. 5 both relate to Section 8 of Article VII of the Constitution. Proposed Amendment No. 2 undertakes to add to Section 8 a phrase depriving the Secretary-Treasurer-Editor of the power to vote as a member of the Executive Committee, but leaving the Secretary-Treasurer-Editor as an ex-officio member of the committee. Proposed Amendment No. 5 undertakes to amend the same section by eliminating the chairman of the Committee on Public Relations as a member of the Executive Committee, both amendments being independent and separate from each other, set forth, in their explanatory texts, Section 8 of Article VII as it existed at the time

of the introduction of the amendments, not as the section would read a year from date of introduction, if both of the amendments should be adopted. In each case each amendment also sets forth how the section would read in the event of its adoption. This explanatory text was incorporated to inform the members of the House of Delegates and of the Association of the effect of each amendment, and to inform the members of the existing texts of the sections concerned. Otherwise the members would be in a position of voting on words adding to, or deleting from, an existing section, without knowing the content of the section. Some confusion appears to have arisen by reason of the statements of the separate explanatory texts, the explanatory portion of each amendment being those words following the phrase, "so that the section will hereafter read as follows." It must be remembered that these proposed amendments are separate amendments, and that each of them is directed to the text of the section as it existed a year ago and as it still exists until the adjournment of this session of the House of Delegates. If only one is adopted, the existing text is amended to that extent. If both are adopted, the existing text is amended to the extent provided for in the enacting clause of the amendment. So that you may understand what each amendment does, may I call to your attention that proposed Amendment No. 2 contains in its enacting clause the addition of the following words to Section 8, "an ex officio without the right to vote," and that proposed Amendment No. 5, in its enacting clause, deletes from Section 8 the following words, "and the Chairman of the Committee on Public Relations." Therefore, if No. 2 is adopted, the words I have just quoted will be added to Section 8. If No. 5 is adopted, the words I have just quoted will be stricken from Section 8. If both are adopted, under the two enacting clauses, the words that I have quoted for Amendment No. 2, namely, "and ex officio, but without the right to vote," will be added to the section at the same time that the words that I have quoted from Amendment 5, namely, "and the Chairman of Public Relations," will be deleted from that section.

DOCTOR WILSON: That's what we pay \$4,000 a year for. (Much laughter.)

CHAIRMAN RUDDOCK: It is necessary to remember that the enacting clause in each proposed amendment is the governing clause of each thereof, and it is also necessary to remember that the explanatory clauses in each amendment following the words, "so that the said Section will hereafter read as follows," speak as of May, 1940, not as of May, 1941. And in the event of the adoption of both amendments, must and will be combined. To vote otherwise would mean that two or more proposed amendments to the same section would have to be combined and voted on together by the House of Delegates, rather than separately. This would deprive the members of the individual right held by each of them to vote on each particular point, and would require them to vote on several points lumped together. Members might favor one and oppose another, and not have an opportunity to express themselves." Now, you have heard the legal opinion. I will now tell you what this means from a lay standpoint. (Laughter.)

It means that if you have adopted No. 2, that under No. 2 you have removed as a member of the Executive Committee the Secretary—but, you—that is—(much laughter), you've removed the right to vote from the Secretary-Treasurer. If you take No. 5 and adopt that, you remove the public relations man.

SPEAKER GOIN: Well, now you see it is just as clear as it can be. Mr. Peart will forgive me if I remind you of that neat little department in the *New Yorker* entitled, "The Department of Utter Confusion." (Laughter.) Nevertheless, the Chair rules that there is no discrepancy in the two amendments, taking legal counsel's advice for it. Your recommendation was what, Doctor Ruddock? Have you made a recommendation on this section?

CHAIRMAN RUDDOCK: Your committee is unanimously in favor of the adoption of this Amendment No. 5, and I as its chairman, therefore, move that it be adopted.

DOCTOR DOUGHTY: Seconded.

SPEAKER GOIN: Seconded by Doctor Doughty. Is there any discussion? Doctor Newell.

DOCTOR NEWELL: I guess, Mr. Speaker, I'm just plain dumb. But I still, in spite of the reading by Legal Counsel,

I can't understand how we can have it read one way one time and change it to another reading and have it mean the same thing. Is it not possible to vote on both matters of proposed Amendment No. 5 separately. The first resolution be voted on separately, and "be it further resolved" be voted on afterwards?

SPEAKER GOIN: Well, Doctor Newell, will it help you any to know that you've got lots of company in your confusion? But, nevertheless, the Legal Department says that this is the way to do it. The Chair rules that it is in order. Are you ready for the question? The question is now on the adoption of this amendment. Doctor Lee.

DOCTOR LEE: Mr. Chairman and Members of the House of Delegates, is the Editor and Secretary-Treasurer ex officio, but without the right to vote or not?

SPEAKER GOIN: That's been adopted. Yes. Are you ready for the question? All in favor of the adoption of this amendment say "Aye"; contrary, "No." It's carried and adopted.

CHAIRMAN RUDDOCK: With regard to **Proposed Amendment to the Constitution, No. 6.** This amendment deals particularly with the *method of election of delegates and alternates to this House*. It proposes the election of delegates and alternates by any equitable method selected by each component county society, and provides that delegates and alternates shall not be elected by the Council, Board of Directors, or other governing bodies of the county societies.

Your committee feels that this amendment would not function properly, that it would be impossible to comply with its terms, and that they consider it would cause an untold interference in the internal affairs of the several component societies, especially in the larger counties. The committee is unanimously opposed to this amendment. I, therefore, as chairman move its adoption. (Laughter.)

DOCTOR MYERS: Seconded.

SPEAKER GOIN: The motion is seconded by Doctor Myers. To reject this amendment, that is to comply with the committee's request, you will vote "No." All in favor of the adoption say "Aye"; contrary, "No." The amendment is lost.

CHAIRMAN RUDDOCK: With regard to **Proposed Amendment, No. 7.** The reading of this amendment will make its purpose very clear. It is that *no officer of a component county society can hold office in the State Association*. The Committee is unanimously opposed to this amendment, believing that in smaller county societies, particularly, that their officers may hold office in the State Association, and that, furthermore, the question is one that would solve itself without constitutional interference. Your committee is unanimous in its position on this amendment to the Constitution, and we are unanimously against it. I, therefore, move its adoption.

DOCTOR LARSON: Seconded.

SPEAKER GOIN: Seconded by Doctor Larson. All in favor say "Aye"; contrary "No." The amendment is lost.

CHAIRMAN RUDDOCK: With regard to **Proposed Amendment to the Constitution, No. 8.** This amendment provides for the creation of a new class of members—to wit, life members—and provides for their qualifications and rights and obligations. The Committee is unanimous in favoring the amendment, believing that by its means members in their productive years will be in a position, if they so desire, to acquire such membership, to be relieving themselves of possible embarrassment in later and less productive years.

This type of membership will affect the State Association only, and not membership in the component county societies.

The committee in its consideration of this amendment feels that, in the event of its adoption, officers of our Association should bring the matter to the attention of the various county societies, who might see fit to adopt a similar class of membership in their component county societies.

The committee is unanimous in its approval of this amendment, and I, therefore, as chairman move its adoption.

DOCTOR LARSON: Seconded.

SPEAKER GOIN: Seconded by Doctor Larson. The question is on the adoption of this amendment providing life membership. Is there any discussion? Doctor Wilson.

DOCTOR WILSON: Mr. Speaker, the President of the Council has just brought up the question as to whether a man might be a life member and still be in jail, a criminal, or an abortionist, and whether or not we could sever his connection with the Association. I think his question is quite well put.

SPEAKER GOIN: The same question occurred to your Chairman, who consulted the Legal Department, and the Legal Department assures us that is not the case, any more than it is now, pointing out that when one has bought a membership for one year, he's bought a property right and still can be deprived of it, and that he could be deprived of it then. Is that a fair statement, Mr. Peart.

MR. PEART: Correct.

SPEAKER GOIN: Does that answer your question? Any discussion? Ready for the question? All in favor of the adoption of this amendment say "Aye"; contrary, "No." Carried, and the amendment's adopted.

CHAIRMAN RUDDOCK: Mr. Speaker, I move the adoption of this portion of the report.

SPEAKER GOIN: The section of the report containing the amendments is now moved for adoption.

DOCTOR LARSON: Seconded.

SPEAKER GOIN: Seconded by Doctor Larson. Any discussion? All in favor say "Aye"; contrary, "No." The "Ayes" have it. This section of the report is adopted.

CHAIRMAN RUDDOCK: At this time we will take up the *Resolutions*. You have copies in your hands. On the first page there has been a clerical error, in that the original resolution has been left out.

Referring to California Physicians' Service, known as Resolution 1 and Resolution 3, the Committee feels that these resolutions should be handled separately, and not combined.

California Physicians' Service—Resolution No. 3 and Substitute

The Committee feels that Resolution 3, presented by Dr. A. A. Alexander of Alameda County, should have your first consideration. The resolution is as follows: (This is not on your copy.)

WHEREAS, Definite objections to and criticism of certain features in the present set-up and functioning of California Physicians' Service are held by a goodly number of the members of the California Medical Association; and

WHEREAS, It is to the advantage and to the best interests of the Board of Trustees of California Physicians' Service to be advised of the current opinions held among the members of the California Medical Association with regard to California Physicians' Service; and

WHEREAS, The successful functioning and welfare of California Physicians' Service is of major importance to the members of the California Medical Association and to the beneficiary members of California Physicians' Service and to the professional members who serve them; and

WHEREAS, It is to the interest of the members of the California Medical Association to be frequently advised as to the problems of California Physicians' Service, and as to proposed or actual changes in its policies or in its operation; therefore be it

Resolved, That the House of Delegates give consideration to and take action upon the appointment of committees to be known as coordinating committees for the various

councilor or other designated areas of the California Medical Association, to confer with, upon appropriate occasion, the Board of Trustees of the California Physicians' Service.

(1) The size of these committees and the manner of their appointment shall be suggested by the Reference Committee of the House of Delegates.

(2) The functions of these committees shall be to confer with the Board of Trustees of the California Physicians' Service for the purpose of bringing to their attention the various reactions to their plans from the respective committee areas, and to offer such assistance as may be useful to or necessary for the furtherance of the plan as it stands, or to afford such suggestions as may be considered pertinent to the modification of the plan to make it more workable.

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Your committee offers at this time a *substitute resolution*, which reads as follows:

WHEREAS, The successful functioning and the welfare of California Physicians' Service are of major importance to the members of the California Medical Association and to the beneficiary members of California Physicians' Service and to the professional members who serve them; and

WHEREAS, Incomplete and often inaccurate information in the organization, policy, problems, and functioning of the California Physicians' Service have resulted in many important misunderstandings on the part of many members of the professional staff who are also members of the California Medical Association; and

WHEREAS, It is to the advantage and to the best interests of the Board of Trustees of the California Physicians' Service to be advised of the current opinions held among the members of the California Medical Association with regard to California Physicians' Service; and

WHEREAS, It is to the interest of the members of the California Medical Association to be frequently advised as to the problems of California Physicians' Service and as to proposed or actual changes in its policies or in its operation; therefore be it

Resolved, That the House of Delegates instruct the Council of the California Medical Association to request each component county society of the California Medical Association to immediately appoint a committee to be known as a coordinating committee, to confer upon appropriate occasion with the Board of Trustees of the California Physicians' Service.

The size of these committees shall consist of not less than three members nor more than five members, and their appointment shall be for one year.

Each component county society shall report the names of these committee members to the Council of the California Medical Association and the Board of Trustees of the California Physicians' Service.

The function of these committees shall be to contact the Board of Trustees of the California Physicians' Service for the purpose of bringing to their attention the various reactions to the plan from their respective committee areas, and to offer such assistance as may be useful to or necessary for the furtherance of the plan as it stands, or to offer such suggestions as may be considered pertinent to the modification of the plan, as instructed by their respective committee areas. It is further suggested that these committees report to their component county societies monthly, such report to embody the current policies and functions of the California Physicians' Service. The names of the members of these committees shall be published in each issue of CALIFORNIA AND WESTERN MEDICINE.

Your committee recommends "Do pass," and I, as its chairman, therefore move the adoption of this *Substitute Resolution*.

DOCTOR SHEPARD: Seconded.

SPEAKER GOIN: Seconded by Doctor Shephard. The motion is on the adoption of the substitute resolution. Any discussion? All in favor of the adoption of the substitute resolution say "Aye"; contrary, "No." Carried, and it is adopted.

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California Physicians' Service—Resolution No. 1

CHAIRMAN RUDDOCK: Resolution No. 1, regarding California Physicians' Service:

WHEREAS, Many of the problems that have arisen in the development, expansion, and administration of California Physicians' Service have been the subject of discussion by many interested members of the profession, these problems, including details of fee schedules, income groups to which the Service should be available, certain contract provisions, extension of the Service in various areas of the

state, nature and extent of routine physical examination, and inclusion of families; and

WHEREAS, The Board of Trustees of California Physicians' Service has requested the advice of the House of Delegates, as a representative body, through which the crystallized opinion of the medical profession can best be expressed; and

WHEREAS, We find ourselves in a time of very rapid and profound changes in economic status and of geographical concentration of great numbers of people, with changes in wage levels, changing costs of living, new tax burdens, etc., and no one can tell how far or how rapidly these changes will go; and

WHEREAS, Under these conditions it would be unwise to tie the hands of those responsible for California Physicians' Service; therefore be it

Resolved, That the House of Delegates reaffirm its confidence in the conduct of the affairs of the California Physicians' Service and leave to the Board of Trustees and administrative members the details of its policy and administration.

Your committee recommends "Do pass," and I therefore, as its chairman, move the adoption of this resolution.

DOCTOR BEST: Seconded.

SPEAKER GOIN: Seconded by Doctor Best. The motion is on the adoption of the resolution as presented by the Chairman of the Committee. Is there any discussion? Doctor Kilgore.

DOCTOR KILGORE: Mr. Speaker and members of the House of Delegates. I hesitate a good deal to take advantage of my membership in the House of Delegates to take up your time. I particularly request that you will not take what I have to say as an argument in favor of the adoption of the resolution, expressing confidence in the Board of Trustees of the California Physicians' Service. It does seem to me, however, very obviously, that these resolutions pertaining to the California Physicians' Service should not pass this House of Delegates without opportunity, and plenty of opportunity, for the expression of opinions about it by members of the House of Delegates.

We were accused, this House of Delegates was, and that accusation has gravitated down to the Board of Trustees of California Physicians' Service, of railroading through the House of Delegates the organization and plan in the first place.

And we should, it seems to me, tonight, at all costs, avoid placing ourselves in the position again of being accused by our own members of having railroaded through a resolution of confidence in the operations of California Physicians' Service. Now, while you are thinking up and rounding into shape some of the brickbats to toss, may I take just a few moments very briefly to outline, in the way of information, for your guidance—if you care to use it in voting upon this amendment, or in discussing it—one or two or three of the developments that have come during the first twenty months of operation of this Service, and very briefly, for the Board of Trustees, their concept of the immediate future and its developments.

I think I'll stop at this point and ask the House if it cares to have ten or fifteen minutes' time devoted to that, Mr. Speaker. I certainly don't want to impose myself on this House against its will.

SPEAKER GOIN: How does the House concur in Doctor Kilgore's opinion? (General assent.)

CALIFORNIA PHYSICIANS' SERVICE

DOCTOR KILGORE: It seems to us that the need for an organization of this kind is no less today than it was two years ago or more, when the House of Delegates authorized its formation, a need for an organization providing machinery whereby, under the control of the medical profession of California, we can extend our services to groups in the very low-income classes in the community, either directly or for the Federal Government or other agencies responsible for those people. We needed this organization, frankly, for a defense against the possibility or probability of adverse legislation which would threaten the ruin of medical service to the people of California. Third, we

needed a defense against the increasing absorption by commercial, closed-staff, health insurance organizations. It is worth our while at this stage, twenty months after we began operations, to take stock of what this organization has accomplished along these three lines.

The first one—the extension of medical care to low-income groups, very low-income groups—through the mechanism of this organization. We are happy to report, as I think you already know, that within the past few weeks arrangements have been completed with the Farm Security Administration to begin a service to their clientele, a group of 250 or more farm families, beginning in three areas of the State, and probably to extend farther in the near future, families with incomes averaging a maximum of about \$750 a year.

Other possibilities for service in this connection to the Government, and to people for whom the Government assumes responsibility, have come to our attention. They have not yet reached the stage that this particular one has, but others will doubtless be along. The particular one we've had negotiations with the Government about has been in connection with the National Youth Administration. We're not able to report a definitive arrangement with that organization yet, but we may, we hope to be able to do so in the future.

As a defense against the enactment of adverse legislation, legislation which would, as we believe, ruin the practice of medicine, I will refer you to our Legislative Committee and its chairman. If you care to, ask them what they believe the value of California Physicians' Service has been in this particular field.

And, finally, as a defense against the absorption of our medical practice by commercial, health-insurance groups, I would call your attention to a situation which I think is not generally recognized. During the fall of 1939, when we were first going after memberships in California Physicians' Service, we met bitter competition from some of the closed staff, commercial, health insurance organizations. It was our understanding that a large for-profit clinic, with headquarters in Los Angeles, contemplated the opening of branches in San Francisco and Los Angeles, and proposed to do so upon securing one thousand applications. They did secure seven hundred applications during the drive for the State Employee Association's membership. No one can say positively, but it's my firm conviction at least, that if it had not been for California Physicians' Service and its activities at that time we would now have the for-profit group of Los Angeles operating in the Bay area. As a matter of fact, we do not have them. Now, for one or two of the aspects of the operations of California Physicians' Service which have obviously been very largely in the minds of the men who have been doing the work. The immediate relationships of a doctor and his particular patient at the moment very naturally loom larger than the long-distance goal that we can see ahead in this organization.

It would be a fool who would think that a service of this kind—new, extensive, rather radical in the changes that it contemplates in the patient-physician relationship—could be organized and set going without irritations and unhappiness arising. One of the greatest of these has been the fact that we have found, coming to our offices, patients who were our private patients before, some of them with incomes obviously above the level which would justify our caring for them at rates that we get from California Physicians' Service.

I tried to explain the attitude of the Trustees toward the inclusion in this Service of individuals with incomes above the \$3,000 limit, which was set as a limit for complete service. It was the experience in the Pacific Northwest that the acquisition of desirable groups was materially handicapped if it was not possible to take in all the employees, including a few of them in the organization whose incomes were above the \$3,000 level. It was abso-

lutely necessary, if this organization were to survive, to acquire a volume of membership rapidly. This House of Delegates allocated \$15,000, dues from individual doctors aggregated between \$25,000 and \$30,000, and the Association found that it was possible to lend an additional \$20,000 or so, but not much more. We had to reach a basis sufficiently large in volume to carry, on a reasonable percentage, the necessary overhead without breaking the California Association, and without, if possible, asking for additional funds from individual members of the Association.

Now, \$60,000 sounds like a good deal to some of us, but, as a matter of fact, to organize a corporation of five thousand doctors from Yreka to San Diego, to set up the machinery involved in this, to do it under the conditions into which we were forced in the spring of 1939, for that purpose \$62,000 was a drop in the bucket. Any commercial insurance company of the same size, contemplating the same volume of work, would spend \$250,000. It was absolutely necessary that we secure a volume of beneficiary members rapidly enough to reach a self-sustaining basis, as far as overhead was concerned. There was taken in a small, but definite, percentage of individuals whose incomes were above \$3,000.

Now I have to make a personal confession here. I thought, and thought honestly, that with a provision that an additional fee to make up the ordinary charge which a doctor would make beyond what he received from California Physicians' Service to those patients whose incomes were above that level would work satisfactorily. And I got that idea, I think, from the experience that we'd had in San Francisco with the Municipal Employees' Health Service. It was a common thing for patients in the better income groups of that Service to volunteer to the doctor what they didn't expect to get service for the amount that he would be paid by the system. They wanted, in addition, a bill, and many patients had that relationship with their doctor very satisfactorily. I am convinced now that that was true because that aspect of the Service had such widespread publicity in San Francisco, that it was called largely to the attention of the beneficiary members of the Service. That has not been true of California Physicians' Service throughout the State and, in short, I am fairly convinced that I was in error.

The inclusion of individuals above that limit has proved to be a source of irritation to the doctor, a source of irritation to the patient, a source of unhappiness as between the doctor and the patient, and the patient and the central office of the California Physicians' Service. We now have 1,400 groups under contract. We have—incidentally, a type of service being furnished by the doctors of this State to 1,400 groups such that not a single group has canceled its contract so far, which is a fair indication that they're being served pretty well. We are an established and going organization, financially sound.

It's much easier to sell it now than it was in the fall of 1939, believe me, and for the Trustees, I would like to say that we believe the time has come when we can go still further than we have gone even in the past several months in restricting, if not absolutely excluding, from further participation, further enrollment in the Service, any individuals above the level of \$3,000. For medical care, of course, it's possible for these people to participate in the Service that's offered by taking the hospitalization part of the contract, with good feeling on everyone's part.

There has arisen, as you all know, the suggestion from several parts of the State that the income level of \$3,000 should be more or less drastically reduced. I offer one or two considerations in this connection. In the first place, it is the people in the income group of from \$2,000 to \$3,000, who are modest in their insistence upon a means of spreading the cost of medical care. The really medically indigent get service now. We give it to them free. If you think that it is easy to discharge a large medical bill or surgical bill in a case of illness, if you are support-

ing a family on an income of \$2,000 to \$2,400 or even \$3,000 a year—and I have tried to do that, so that I know what I'm talking about—it is no easy task. I am sure that this group doesn't need some means of spreading the cost of medical care as much as the group a little below that. The second consideration—and this is a very practical one for us to consider—is where will these people go if they cannot come to California Physicians' Service? It irritates me, as has happened, to have a government employee who has been my patient for years before at an income around this level come into the office now and bring a California Physicians' Service card with him. But I just stop to wonder whether I would rather have that man with a California Physicians' Service card, or not have him at all. The fact of the case is that in the Los Angeles area, for instance, where we have some 1,100 teachers—this group belongs largely around the \$2,000 to \$2,400, and a few of them up to the \$3,000 level—when they were coming in, the question was not whether they would or would not accept some form of medical insurance. The question was in the minds of the vast majority of these school teachers whether they would join California Physicians' Service or join with us. And, finally, the Trustees are much concerned, naturally, at this particular stage with the effect upon further growth of California Physicians' Service by a drastic cut in the income level. We don't know. It's anybody's guess, how much it would affect the further growth. We are pretty sure that it would affect it somewhat, and, as I say, nobody knows.

And, finally, I think we have to consider the effect upon our public relations generally of a sudden and drastic cut in the income level. If this House of Delegates were to offer its advice by an overwhelming vote that the income level be cut, I have no doubt but that the Trustees of the California Physicians' Service would feel impelled to accede to that advice. Unless so instructed, the Trustees of California Physicians' Service, I am sure, would feel that at this particular time it would be unwise to make that flat reduction at the moment.

At the same time, I think it's only fair to say that our feeling about this is the same as the feeling of everybody else who has taken care of these patients, that the present payments to doctors under California Physicians' Service are not appropriate for people in this particular income bracket.

We propose, we hope to see this situation, this relationship, corrected in a couple of ways. In the first place, by the issuance of a new type of contract, which we have had ready since the first of the year, which will be actually ready for sale, we hope, in another thirty days, as soon as the hospital associations get through with the routine of getting approval of the Insurance Commissioner's office for their part of it, of a much cheaper contract with limited service, one that will sell in the neighborhood of \$1.25, or \$1.20, a month, instead of \$2.50 a month, and we are fairly convinced from experience in the East, in the Northwest, and insurance companies' experience, that this type of contract will appeal and can be sold in larger volume to employees of industry in really low income groups. And that this will result gradually in a shift of the proportion of our patients who are in low-income groups with those who are in the higher income groups under \$3,000.

And another aspect of this which is worth our consideration is that we are already making changes in groups that we have under contract now, whereby a much higher proportion of low-income people is being included. For example, one of the large department stores in San Francisco took out a contract involving only two of its departments at first. In those departments there were a relatively large proportion of individuals with incomes around \$2,400 or \$3,000 a year. With the experience of those groups, and the satisfactoriness of the Service, it was possible within the last two or three months to go back into that department store and secure a large additional

membership among the salesgirls, whose incomes average about \$16 to \$18 a week.

Finally, if you will bear with me just one moment more, may I offer some help, at least some hope, of an increase, a steady but gradual increase, in unit value from general current levels, not tomorrow or the next day, but over a period of the next two or three years, for certain very specific reasons. And I want to name a few of these. One is the reduction in overhead. We already have volume enough to bring our overhead down to about 22 per cent. There is every reason to believe that with increasing volume, overhead not increasing in proportion because we have the mechanical equipment, it isn't necessary to get any more for it, the proportion of overhead will be very much less than the proportion of new members, we shall get that down to 12 or 15 per cent, perhaps down as low as 10 or 11 per cent. That can go into medical service. In the second place, it has been the experience throughout the Northwest of the older organizations now from six to eight years in operation, that every new group they take costs from 50 to 100 per cent more to take care of it in the first year or two years of service than it does thereafter. Damasch at Portland has charts that show that for every single group they have under contract, it's practically universal. All our groups are under two years old, most of them under one year old, so that during the next two or three years we should have the benefit of that decrease in cost. The Trustees have made certain contract changes, which don't materially reduce the legitimate benefits of California Physicians' Service contracts to the beneficiary members, but which will in the aggregate reduce the cost of the Service.

And, finally, one item which is worth considering. We had to divide our \$2.50 membership fee into a certain proportion for hospitalization and the rest of it for medical care. The hospital associations up to that time had found it necessary to charge 80 cents per month for hospitalization. With the increase in volume of their service, the improvement in their group relationships which has gone on—they've been operating longer than we have, with the reduction in their overhead—they have finally come to the point, at least the northern association has—it is the older one—at which they believe they can furnish the same service under the same contract for about 65 cents a month instead of 80 cents a month. And it is to be expected that that additional 15 cents will go into the payments for medical care.

I could name several other items which I won't bore you with, but I do want you to feel that we have specific and definite reasons for believing that we are suffering right now, particularly at the end of these payments for this influenza epidemic, what we hope is the lowest unit value that any of us will take in the future.

Finally, may I emphasize one thing. If you are to continue with this Service, if we are to continue to operate it, will you, please, yourselves, and ask your constituents to, exercise a little patience? We cannot work miracles suddenly, whether we can work them at all or not; it does take time for some of these changes that I have mentioned specifically. If you will exercise patience, I think you will find that the unit value which, after all, is the essential matter in the question of income limits, and so forth, will improve to reasonably satisfactory levels.

SPEAKER GOIN: The question now is on the adoption of the resolution as presented by the Reference Committee. Are you ready for the question? All in favor of the adoption of the resolution say "Aye"; contrary, "No." The "Ayes" have it. The resolution is adopted. (Much applause.)

Amendment—New Members

CHAIRMAN RUDDOCK: With regard to Resolution No. 2, regarding *new members who are elected during the last six months of a calendar year*. This is a proposed amend-

ment to the by-laws of the California Medical Association, relating to dues of new members:

Resolved, That Section 1 of Chapter X of the by-laws of the Association, the California Medical Association, is hereby amended by adding to said Section 1 a new paragraph, designated as subparagraph (d), reading as follows: "(d) Dues of New Members; Amount Payable. All Doctors of Medicine becoming active members of this Association under the provisions of Section 1 of Chapter II of these by-laws shall, as provided in Section 1 of Chapter II, pay to this Association the annual dues payable by active members for the period for which membership is obtained, except that the Council, in its discretion, with respect to all new members who acquire membership after July 1 in each year, require payment of only one-half of the annual dues, shall entitle such new member to all the rights of active membership in this Association until the end of the current calendar year."

Mr. Speaker, your committee sees the reasonableness of this proposed amendment to the by-laws and recommends "Do pass." I, therefore, as chairman, move its adoption.

DOCTOR BAILEY: Seconded.

SPEAKER GOIN: Moved by the Committee Chairman, seconded by Doctor Bailey. The question is on the adoption of this amendment to the by-laws. Ready for the question? All in favor say "Aye"; contrary, "No." The "Ayes" have it. Amendment's adopted.

Amendment—Needy Members

CHAIRMAN RUDDOCK: Resolution 4, resolution concerning *special funds for aid to needy members*:

WHEREAS, The by-laws of this Association, California Medical Association, were amended by the House of Delegates on May 8, 1940, by adding Section 23 to Chapter V of said by-laws, providing for a committee on aid to needy members, and providing a special fund for said committee; and

WHEREAS, Under said Section 23 of Chapter XXV the Council may allocate funds from the general fund of the Association to this special fund for aid to needy members; and

WHEREAS, This House of Delegates of California Medical Association earnestly desires that the Committee on Aid to Needy Members be provided with necessary funds; now, therefore be it

Resolved, That the Council is hereby requested and instructed to transfer from the general funds of the Association to this special fund for aid to needy members a sum equal to \$1 per each and every active member of the Association; and be it further

Resolved, That the Council is hereby requested to carry out the provisions of this resolution at as early a date as possible, so that the Committee on Aid to Needy Members may have an existing fund with which to carry out its functions and duties.

Your committee has felt it desirable to add the following additional paragraph:

And be it further

Resolved, That the Committee on Aid to Needy Members be instructed to study all existing plans, with special reference to the application of the insurance principle and purchase of same if feasible for regularly organized companies.

Mr. Speaker, your committee recommends "Do pass" for this resolution as amended, and I, therefore, as its chairman, move its adoption.

DOCTOR GARLAND: Seconded.

SPEAKER GOIN: Seconded by Doctor Garland. The question is on the adoption of this resolution. Are you ready for the question? All in favor say "Aye"; contrary, "No." The "Ayes" have it. Resolution is adopted:

Resolution No. 5—Industrial Accident Commission

CHAIRMAN RUDDOCK: On the copies which you have in your hands there has been a clerical error in regard to Resolution No. 5. There has been left out the first "Whereas," which I will read. Your committee feels that this resolution is self-evident and needs no explanation:

WHEREAS, The rising cost of medical practice is placing an unjust burden upon the physician where fees are fixed, as in industrial accident cases; and

WHEREAS, The present fee schedule employed by the Industrial Accident Commission of the State of California has, except for minor modifications, remained unchanged since its adoption in 1913, and all other factors in living have risen considerably; and

WHEREAS, The California fee schedule is lower than that of comparable states; therefore be it

Resolved, That the President of the Association appoint a committee of three members to appear before the Industrial Accident Commission at an early date and request a revision in the fee schedule to fit the requirements of present-day medical practice.

Mr. Speaker, your committee recommends "Do pass," and I, as its chairman, move the adoption of this resolution.

DOCTOR DOUGHTY: Seconded.

SPEAKER GOIN: Who seconded? Seconded by Doctor Doughty. The question is on the adoption of this resolution. Is there any discussion? All in favor say "Aye"; contrary, "No." The "Ayes" have it. The resolution's adopted.

Resolution No. 6—Contract Practice

CHAIRMAN RUDDOCK: With regard to Resolution No. 6, there is an error that appears upon your copy, inasmuch as the resolution is incomplete at the end. You can follow me in my text. *Resolution Regarding Medical Relations of the Workmen's Compensation*:

WHEREAS, There are now before the California Legislature two measures, A. B. 1760 and S. B. 644, to forbid insurance companies to contract with doctors for medical care of injured workers on the basis of a percentage of the gross premiums, or a percentage of the employer's pay roll, these bills specify that contracts for medical service must not contain fixed charges below those set as reasonable by the Industrial Accident Commission, and declare it unlawful to rebate any employer or insurance carrier money received for medical service; and

WHEREAS, These bills recommend rules of conduct and ethics which the medical profession has always upheld; now, therefore be it

Resolved, That the House of Delegates approve the substance of these measures and recommend their passage at the present session of the Legislature.

Your committee *substitutes* the following resolution:

WHEREAS, The contract practice of medicine has always been opposed by organized medicine, as contrary to the rules of conduct and ethics which the medical profession has always upheld; and

WHEREAS, Certain insurance carriers operating in the state are now, or have been, contracting with certain physicians for care of injured workers on a basis of a percentage of the gross premium or upon the basis of a percentage of the employer's pay roll; and

WHEREAS, Such practice may, and frequently does, result in inadequate and sometimes harmful medical care, particularly when such contract requires the physician to furnish not only medical service, but also hospital service, drugs, supplies, dressings, etc., paid for by the physician from his percentage of the gross premium or the employer's pay roll; now, therefore be it

Resolved, That the House of Delegates of the California Medical Association reaffirm their continued stand in faith in the rules of conduct and ethics preventing such contract practice; and be it further

Resolved, That the House of Delegates instruct the Council of the California Medical Association, through its Legislative Committee, to support the S. B. 644 and A. B. 1760 in the form of their original presentation, or as amended, provided that the amendments, in the opinion of the Legislative Committee, do not destroy the intent of the bill.

Comment: These bills, if passed in their original form, would give legal background to the principles and ethics as held by organized medicine. Mr. Speaker, your committee recommends "Do pass," and I, as its chairman, move the adoption of this substitute resolution.

DOCTOR DEWEY: Seconded.

SPEAKER GOIN: Who seconded? Seconded by Doctor Dewey. Is there any discussion on this? Doctor Wilson.

DOCTOR WILSON: Mr. Speaker, if I'm not mistaken, the code of ethics of the American Medical Association states that contract practice is not unethical as such, but only certain phases of it that may affect public welfare over a long period of time. I would question the opinion of the

Committee on the assertion that contract practice of medicine has always been opposed by organized medicine as contrary to the rules of conduct and ethics of the medical profession. I believe that contract practice is susceptible to a good deal of variance in definition and procedure.

SPEAKER GOIN: Any further discussion. Doctor Best.

DOCTOR BEST: Mr. Speaker, may I call the House's attention to the fact that the American Medical Association says that contract practice *per se* is not unethical.

SPEAKER GOIN: That's correct. Any further discussion?

CHAIRMAN RUDDOCK: Inasmuch as we've heard the discussion concerning possible illegality of the first "Whereas" in this substitute resolution, I, as the chairman of the Committee, will therefore amend by deletion of the first paragraph in the substitute resolution.

SPEAKER GOIN: Well, I don't believe, Doctor Ruddock, you can do that as the Committee Chairman, but any other member of the House can move such an amendment.

DOCTOR GARLAND: I so move.

SPEAKER GOIN: Moved by Doctor Garland.

DOCTOR LEE: Seconded.

SPEAKER GOIN: Seconded by Doctor Lee. The motion is now to amend the proposed resolution by striking therefrom the first "Whereas." Ready for the question? All in favor say "Aye"; contrary, "No." The "Ayes" have it. The question now is on the adoption of the resolution as amended. Are you ready for the question? All in favor say "Aye"; contrary, "No." The "Ayes" have it. The amended resolution is adopted.

Resolutions Nos. 7 and 11—Military Service

CHAIRMAN RUDDOCK: With regard to Resolution No. 7 and No. 11. These resolutions deal with the same subject, which is regarding the practice and positions of physicians called to military service, and their rehabilitation upon demobilization.

Resolution No. 7 reads as follows:

WHEREAS, The present national emergency is calling more and more practicing physicians and surgeons away from their practices to join the armed forces; and

WHEREAS, Numerous young physicians and surgeons who have never practiced are going directly into the armed forces; and

WHEREAS, The nature of private practice of medicine and surgery is such that the demobilized members of the profession are not given the same assurance of security on their return to civil life as either employed citizens or those members who are not called into the armed service but remain in practice; therefore be it

Resolved, That the Council of the California Medical Association immediately study plans for special means to aid in rehabilitating demobilized members of the medical profession in the State of California.

Resolution No. 11 reads as follows:

WHEREAS, The national emergency requires the services of many physicians who have been holding hospital and other staff positions; and

WHEREAS, It is the desire of their colleagues and all other patriotic citizens to see that the practices and positions of such men are maintained until their return, in so far as such is practicable; now, therefore be it

Resolved, That the Council and the House of Delegates of the California Medical Association take all reasonable steps to assist colleagues called to duty, and to see that the practices of those colleagues are protected as far as possible either by arranging for consultative service under conditions whereby the identity of the absent physician's practice is maintained or by seeing that competent assistants are appointed; and be it further

Resolved, That the Council and the House of Delegates of the California Medical Association request the hospital associations of California to recommend to their component units that suitable resolutions be adopted, the purport of which shall be that the maintenance of the staff or other appointments of local physicians should be assured until their return in good health from military service; and be it further

Resolved, That physicians working in hospitals called to duty shall, if possible, be given the opportunity to select their substitutes, the appointment of whom shall be subject to the approval of the hospital staff.

Your committee proposes a *substitute resolution*, embodying the intent and purposes of these two resolutions. The substitute resolution will read as follows:

WHEREAS, The national emergency requires the many physicians who have been holding hospital and other staff positions; and

WHEREAS, It is the desire of their colleagues and of all other patriotic citizens so that the practices and positions of such men are maintained until their return, in so far as such is practicable; and

WHEREAS, The nature of private practice of medicine and surgery is such that the demobilized members of the profession are not given the same assurance of security on their return to civil life as either employed citizens or as those members who are not called to the armed services but remain in practice; now, therefore be it

Resolved, That the Council of the California Medical Association immediately study plans for special means to aid in rehabilitating the demobilized members of the medical profession in the State of California; and be it further

Resolved, That the Council and the House of Delegates of the California Medical Association take all reasonable steps to assist colleagues called to duty and to see that the practices of those colleagues are protected as far as possible, either by arranging for consultative service under conditions whereby the identity of the absent physician's practice is maintained, or by seeing that competent assistants are appointed; and be it further

Resolved, That the Council and the House of Delegates of the California Medical Association request the hospital associations of California to recommend to their component units that suitable resolutions be adopted, the purport of which shall be that the maintenance of the staff or other appointments of local physicians should be assured until their return in good health from military service.

Your committee recommends "Do pass," and I, as its chairman, move the adoption of this *substitute resolution* for Resolutions 7 and 11.

SPEAKER GOIN: Adoption of the resolution was moved by the Committee Chairman.

DOCTOR BENNETT: Seconded.

SPEAKER GOIN: Seconded by Doctor Bennett. The question is on the adoption of the substitute resolution as presented by the Committee. Are you ready for the question? All in favor say "Aye"; contrary, "No." The "Ayes" have it. It's carried. The substitute resolution is adopted.

Resolution No. 8—Selective Service

CHAIRMAN RUDDOCK: Resolution No. 8.

WHEREAS, The great majority of citizens engaged in national defense activities is compensated by the Federal Government for their time and effort; and

WHEREAS, The physicians who have examined prospective service men for the various draft boards are required to spend a considerable amount of time for which they receive no compensation, resulting in a hardship for those who volunteer for this type of work; therefore be it

Resolved, That the House of Delegates of the California Medical Association instruct its delegates to the American Medical Association to introduce a resolution in the House of Delegates at the forthcoming convention of the American Medical Association, proposing to the Federal Government that physicians serving as examiners for the draft boards receive compensation for such work.

Your committee feels that this resolution should be divided into two separate resolutions, which will be substituted for the foregoing resolution:

First Substitute, Number A:

WHEREAS, The great majority of citizens in national defense activities are compensated by the Government for their time and efforts; and

WHEREAS, Physicians who examine selective service men for the various draft boards are required to volunteer their services and time without compensation; and

WHEREAS, In order to make more efficient the machinery of the Selective Service Act and to expedite the examination of draftees; and

WHEREAS, This volunteer system has not worked satisfactorily in expeditious examination of draftees, to the satisfaction of the directors of the Selective Service Boards, which tends to hamper the defense program of the United States; now, therefore be it

Resolved, That the House of Delegates of the California Medical Association recommend to the Governor of the State of California and the Selective Service Director that the physicians who volunteer to examine draftees under the Selective Service Act be compensated for their services; and be it further

Resolved, That the House of Delegates of the California Medical Association instruct the Council to support through its Legislative Committee such legislation toward the allocation of funds for this purpose in the current session of the Legislature.

Your committee recommends that this Substitute Resolution A "Do pass," and I, as the chairman, move its adoption.

DOCTOR DOUGHTY: Seconded.

SPEAKER GOIN: The question is on the adoption of this Substitute Resolution Number A. Doctor Bailey.

DOCTOR BAILEY: Mr. Speaker and Delegates. We've discussed this question at length in the Los Angeles Council, and there certainly seem to be a number of reasons why the physicians who do this work should be compensated, particularly in the regions where the airplane plants are at work and the men are striking for \$10 a day instead of \$8 a day. It seems logical that the doctors who examine them should have some compensation. Besides the taxpayer's pocket is wide and deep, and everyone else is being paid. Why shouldn't we be? But there is an exception. The other members of local Selective Service Boards are not being paid for this work; lawyers and industrialists and other men who donate their time are not being paid. I suspect, also, the officers of the Selective Service System might like to have the doctors paid. At the present time many of them have not been able to carry on with it, and it would probably make their burden easier. However, there may be some changes in this system in the near future. If we ask for this money at this time, from these sources which may or may not be able to produce it, we open ourselves to unfavorable publicity. Headlines like "Draft Board Doctors Demand Dough" or something like that in the metropolitan press wouldn't look so well.

Now, the big difficulty that we're having is that the local doctors examine the potential draftees, and the men go to the Induction Boards after having sold their automobiles and their businesses, and are turned down by the Induction Boards for numerous causes, some of which seem logical and some of which don't.

A way of getting around that which has been suggested is to have Induction Boards that go from one center to another.

Another system, which may very well be used, is to follow that being employed in Pennsylvania now. That is, to have the Induction Board do the whole work. Have enough Induction Boards, moving from one place to another if necessary, so that they would examine all these people. In other words, pay the men who are paid on a per diem basis, and the Induction Boards would take over the entire problem.

It would seem to me, therefore, that to invoke these resolutions, inasmuch as the situation is in a state of change, a possible state of flux, it would be much wiser to let the Council look further into this situation, with which I am fully in sympathy, than to go on record at this time as demanding action. I, therefore, move that this resolution be committed to the Council for action.

SPEAKER GOIN: Is there a second to the motion to commit? Doctor Howard seconds. Is there discussion? Doctor Murray.

DOCTOR MURRAY: Mr. Speaker, I would like to ask for information. If this money is not federal money rather than state money that would be expended for the pay of examination of the draftees. In the second place, in that

last "be it further *Resolved*, That the House of Delegates of the California Medical Association instruct the Council to support through its Legislative Committee such legislation toward the allocation of funds for this purpose in the current session of the Legislature." It is impossible to get a bill introduced at this time. You understand, of course, all of the bills are introduced at the first session of the Legislature. I think to get it introduced now would require a two-thirds majority of all of the legislators. That might be just a little bit difficult at the present time. Our Legal Counsel might give us a little advice on that. It might be just a trifle difficult just now, at this current session of the Legislature.

SPEAKER GOIN: The question is on the motion to commit.

DOCTOR WILSON: Mr. Speaker, could I suggest that the alternate resolution proposed by the Committee be read so that the House can have the option of choosing which of the two they might like to act upon? One is committing it to the House of Delegates of the American Medical Association. It does seem that we should wait on the national body before undertaking a problem that might affect all of the physicians in the country, rather than just ourselves.

SPEAKER GOIN: The motion to commit the question to the Council is a superior motion and will have to be defeated, voted on, first. Doctor Ruddock.

CHAIRMAN RUDDOCK: There is no substitute resolution. These are two separate resolutions.

SPEAKER GOIN: The question is on the motion to commit this resolution to the Council. Are you ready for the question? The only debate proper is on the propriety of committing the resolution. . . .

SPEAKER GOIN: Are you ready for the question on the motion to commit? The motion is to commit this resolution to the Council, which takes it out of the hands of the House and disposes of it. All in favor say "Aye"; contrary, "No." The "Ayes" have it. The resolution is committed. Doctor Stone.

DOCTOR STONE: May I rise to a point of information? What happens to those amendments committed to the Council?

SPEAKER GOIN: Well, that depends on the Council.

DOCTOR STONE: Is that laying it on the table?

SPEAKER GOIN: Oh, not at all. The Council can take action.

CHAIRMAN RUDDOCK: Mr. Speaker, as a point of information, in committing this Resolution Number A to the Council, is it possible to take up Substitute Resolution B to it at this time?

SPEAKER GOIN: Oh yes, that's a separate matter.

CHAIRMAN RUDDOCK: *Substitute Resolution B:*

WHEREAS, The American Medical Association has propounded the policy of volunteer services of members of the American Medical Association examining draftees under the various Selective Service Boards in the United States; now, therefore be it

Resolved, That the House of Delegates of the California Medical Association instruct its delegates to the American Medical Association to introduce a resolution in the House of Delegates at the forthcoming session of the American Medical Association, that a policy be adopted that physicians serving as examiners under such boards be compensated for their services.

Your committee recommends that this Substitute Resolution B do pass, and I, as its chairman, therefore move the adoption of this resolution.

DOCTOR LARSON: Seconded.

SPEAKER GOIN: Any discussion? Doctor Newell.

DOCTOR NEWELL: Mr. Speaker and members of the House. I don't see any real good reason, of course, why the doctors should not be compensated for their work. Everybody else, or a great many other people, are being paid for their work for the Government. Nevertheless, we are in the position of having had our services promised free for these services. Now this is work which has to be

done. It can't be done by everybody. It must be done by some. It has to be done by the medical profession. If the medical profession asks to be paid for it, it is this way. But because everybody can't do it, those who don't do it dip into the treasury to reward those who do do it which is fair. But I do observe that when the medical profession took the load upon its own shoulders, it didn't do the work—all of its members—it asked for volunteers from among its members to do the work. My county medical society asked for volunteers to do the work in the city of San Francisco. The County Medical Society said, "Thank you, kindly," to those who volunteered to do the work. The County Medical Society did not see fit to load a taxation burden on its own shoulders or to dip into its own treasury to reward individuals onto whom it had unloaded the work which most of its members would not do. It looks pretty cheap of us, it seems to me, when we will not spread the load among ourselves to reward the few who do our work for us; it looks pretty cheap for us to say then, that seeing it's somebody else's money, then we would like to have the load spread.

SPEAKER GOIN: Any further discussion?

DOCTOR MADELEY: I have been one of the volunteers for District Four, and have examined a good many of these lads from a doctor's standpoint, and I feel that a good many of these people are being turned down by Induction Centers, not correctly so, in an effort somehow to make the practicing physicians look inadequate. I feel that some of these people are being turned down to make a high percentage of people turned down at the Induction Centers that are being passed by the local boards, for some reason which I don't know. So I think it would be better, rather than to try to get compensation for private practitioners doing this work, to pass it back to them and let their Induction Centers take care of the whole problem.

SPEAKER GOIN: Thank you, Doctor Madeley. Doctor Bailey.

DOCTOR BAILEY: Mr. Speaker. There are such a tremendous number of problems involved here, I think we could continue the rest of the night, but, it seems to me, since these two resolutions are so closely related, that the best way to dispose of this would be to move that this Substitute Resolution B also be committed to the Council for further action.

DOCTOR BENNETT: Seconded.

SPEAKER GOIN: The motion is now to commit this resolution to the Council. Ready for the question? All in favor say "Aye"; contrary, "No." Resolution committed.

Resolution No. 9—Scientific Exhibits

DOCTOR RUDDOCK: In regard to Resolution No. 9.

WHEREAS, The California Medical Association, recognizing the need of acquainting the general public with the problems of health and sound principles of medical practice, has established a policy of public health education; and

WHEREAS, Scientific exhibits constitute an effective means of acquainting the public with health problems, as evidenced by the great public interest in the week-long health defense exhibit in the Shrine Auditorium, sponsored by the Los Angeles County Medical Association; and

WHEREAS, Such material is easily available at the time in each city in which the American Medical Association meeting is held, and public interest has already been aroused by favorable newspaper publicity in relation to said convention; therefore be it

Resolved, That the House of Delegates of the California Medical Association instruct the delegates to the American Medical Association to introduce into the House of Delegates of the American Medical Association a resolution calling for the establishment of a health exhibit for the public in the various cities in which the annual convention of the American Medical Association is held, during the week immediately following the convention, and utilizing such material from the scientific exhibit, to which other material might be added, which would be of interest to the general public.

Your committee is in sympathy with the resolution, but feels that explicit directions to the American Medical Association would probably defeat the purpose and intent of this resolution. We, therefore, offer as a *substitute to this resolution*, the same resolution with the deletion of the last portion of the resolution, which reads as follows:

During the week immediately following the convention, and utilizing such material from the scientific, to which other material might be added, which would be of interest to the general public.

Mr. Speaker, your committee recommends "Do pass," and I, as its chairman, move the adoption of this amended resolution.

DOCTOR DEWEY: Seconded.

SPEAKER GOIN: The question is on the adoption of the substitute resolution presented by the Committee. Ready for the question? All in favor say "Aye"; contrary, "No." The "Ayes" have it. The resolution is adopted.

Resolution No. 10—Hospitalization Subsidy

CHAIRMAN RUDDOCK: Last night, Dr. John Shephard of San Jose introduced a resolution by title only, No. 10. This resolution was submitted to Reference Committee No. 3 at the instruction of the Speaker of the House. It reads as follows:

WHEREAS, It is the cost of hospitalization that constitutes the immediate insurmountable economic obstacle to many individuals when overcome by sickness; and

WHEREAS, If this barrier could be at least partially removed, many individuals now finding it necessary to accept services rendered by county hospitals would find it possible to enter private institutions; and

WHEREAS, Resolution No. 2, which was introduced into the House of Delegates of the California Medical Association at its 1940 session, bearing upon this subject, was considered by our Legal Counsel to involve serious legal obstacles; now, therefore be it

Resolved, By the House of Delegates of the California Medical Association at its 1941 annual session, held at Del Monte, California, that the Council of the California Medical Association appoint a special committee of three members to study thoroughly the question of subsidizing hospitalization for all the citizens of California.

Mr. Speaker, your committee concurs in this resolution and recommends "Do pass," and I, as its chairman, move the adoption of this resolution.

DOCTOR LEE: Seconded.

SPEAKER GOIN: . . . Any discussion? All in favor say "Aye"; contrary, "No." The "Ayes" seem to have it. The resolution is adopted.

Resolution No. 12—Payments for Medical Services

CHAIRMAN RUDDOCK: Resolution No. 12:

WHEREAS, There is a minimum cost of providing medical service; and

WHEREAS, Many organizations in the State of California are arranging with physicians to care for their members below this figure; therefore be it

Resolved, That the Council of the California Medical Association investigate these costs and establish a minimum schedule below which members of such organizations may not be cared for by members of this Association.

Your committee recommends "Do pass," and I, as its chairman, move the adoption of this resolution.

DOCTOR DELPRAT: Seconded.

SPEAKER GOIN: Any discussion? All in favor say "Aye"; contrary, "No." The "Ayes" have it. The resolution is adopted.

CHAIRMAN RUDDOCK: There is a correction to be made on your texts, in that the words "Dr. Harold Fletcher" should be replaced by "Doctor Doughty." Mr. Speaker, your committee requests the unanimous consent of the House at this time for the introduction of a companion

resolution to that just passed, which has been proposed by Doctor Doughty.

SPEAKER GOIN: The introduction of a new resolution simply involves suspension of the House rules, and two-thirds majority will be sufficient. Is there any objection to the introduction of this resolution? If no member objects, unanimous consent will be assumed. You may introduce it, Doctor Ruddock.

CHAIRMAN RUDDOCK:

WHEREAS, Certain organizations of employees have undertaken to secure for their members the services of individual physicians and groups of physicians, in return for pro rata payments from funds remaining after defraying expenses, including salaries of managers, etc.; and

WHEREAS, Any such plan inevitably involves the control of medical services by laymen, which has and will inevitably continue to deteriorate medical service to patients; now, therefore be it

Resolved, That the California Medical Association disapproves of such plans and recommends to the component county medical societies and to its members that they do not accept practice under such plan.

Mr. Speaker, your committee recommends "Do pass," and I, as its chairman, move the adoption of this resolution.

DOCTOR LARSON: Seconded.

SPEAKER GOIN: Any discussion? Do you wish the floor, Doctor Shephard? Doctor Shephard.

DOCTOR SHEPHARD: I rise to a point of information. Do I rightfully understand this resolution when I read it, that if it should pass it will raise havoc with the San Francisco Municipal Employees' Service?

CHAIRMAN RUDDOCK: I will ask either Doctor Fletcher or Doctor Doughty to speak to that subject, Mr. Chairman.

SPEAKER GOIN: The Chair recognizes Doctor Doughty.

DOCTOR DOUGHTY: Mr. Speaker, this resolution is aimed at certain employees' groups which are recently being organized, due to the fact that certain corporations have recently disassociated themselves from their employees' benefit funds. The employees have hired members, one of which we refer to particularly, one is an ex-employee of California Physicians' Service. They have organized a fund to sell doctors' services and to pro rate whatever funds are left after administration to the doctors. Certainly, no lay organization should be allowed to sell our services, take out their fees, and return the balance to us. So it is not aimed at any other than that particular organization. I wish to call your attention further to the fact that the resolution itself says this, that "The California Medical Association disapproves of such plans and recommends to the component county medical societies and to its members that they do not accept practice under such plans." Therefore, if one should feel that the San Francisco County Medical Society might come under this, I see no reason for the San Francisco County Medical Society, if it so desires, to do anything that they may wish to do regarding such a matter. This resolution makes a recommendation to the component medical societies and to its members. Does that answer your question, Doctor Shephard?

DOCTOR SHEPHARD: I still feel that by that recommendation you put the county society members in a rather peculiar position. The San Francisco County Medical Society is urged to recommend to its members that they do not serve on the Municipal Health Service. I am thoroughly in accord with the intent of what was meant by this resolution, but I feel that, owing to the fact that the San Francisco Medical Society has endorsed the San Francisco Employees' Health Association, it is going to put it in a very embarrassing position to have to recommend that none of its members serve.

DOCTOR DOUGHTY: There's nothing compelling them, Doctor Shephard, to recommend. They still have the option, and they may exercise it, I understand.

DOCTOR GARLAND: I do not believe that this will conflict at all with the San Francisco Health Service system.

For Doctor Shephard's information and for the information of the members of the House, the Municipal Employees' Health Service system was never approved by the County Medical Society. They're being tolerated by them because an organization of employees has put it over by charter amendment, while we, like most physicians, were dozing in our chairs. And we have had a great deal of trouble with it ever since it started. At the present time we have the contingent resignations of 962 of the 1,000 doctors that belong to it in our files, and we may have to use them. This resolution is no harm at all. (Applause.)

SPEAKER GOIN: Any further discussion. Are you ready for the question? The question is on the resolution as proposed by the Chairman of the Committee. All in favor say "Aye"; contrary, "No." The "Ayes" have it. The resolution is adopted.

Resolution No. 13—Pollution of Waters

CHAIRMAN RUDDOCK: Resolution No. 13:

WHEREAS, Certain tidal and littoral waters of California are polluted by sewage from large and small municipalities; and

WHEREAS, The bacterial content of this sewage is a public nuisance and endangers the public health; and

WHEREAS, The recent mobilization has caused large dumps of sewage and refuse to be added to this mass of infected and dangerous debris; therefore be it

Resolved, That the California Medical Association support the California State Board of Health in abating, controlling, and suppressing this nuisance.

Your committee feels that the California Medical Association is interested in the public health problems throughout the entire state. We, therefore, *substitute* the following resolution:

WHEREAS, The California Medical Association, having full confidence in the California State Board of Health, realizes this large, increasing responsibility; and

WHEREAS, The recent mobilization of men for industrial and military defense projects has created a tremendous problem of sewage and refuse disposal; and

WHEREAS, In addition to this recent problem, many municipalities both large and small, industrial concerns, food-processing plants, ships, state institutions, mines, refineries, etc., have for years polluted the tidal and other waters of the state, thereby killing or despoiling the natural inhabitants of these waters, creating noxious odors, forming irritating and disease-producing vapors, and endangering the public health; therefore be it

Resolved, That the California Medical Association actively support the California State Board of Health in controlling, abating, and eventually eliminating the existing nuisances arising from pollution, and in addition directly aid the State Board of Health in preventing the development of further similar problems, particularly now arising from rapid growth of cantonments, construction camps, and housing projects.

Mr. Speaker, we recommend this resolution "Do pass," and I, as chairman, move the adoption of this substitute resolution.

DOCTOR LEE: Seconded.

SPEAKER GOIN: Any discussion? All in favor say "Aye"; contrary, "No." The "Ayes" have it. The resolution is adopted.

Resolution No. 14—Hospitalization Organizations

CHAIRMAN RUDDOCK: Resolution No. 14. *Resolution Regarding Hospitalization Insurance:*

WHEREAS, The House of Delegates of the California Medical Association has consistently approved hospitalization insurance and disapproved the inclusion of medical services in it, and said House of Delegates has repeatedly insisted that diagnostic medical services are part of the practice of medicine and has been upheld by the House of Delegates of the American Medical Association in that contention; and

WHEREAS, Certain hospitalization insurance associations in California are not complying with the spirit of these regulations despite their having secured the approval of the Council of the California Medical Association by agree-

ing to provide straight hospitalization alone; now, therefore be it

Resolved, That the House of Delegates instruct the Council to withdraw approval of those hospitalization associations which persist in violating these regulations.

Your committee proposes the following *substitute* resolution:

WHEREAS, The House of Delegates of the California Medical Association has consistently approved hospitalization insurance and disapproved the inclusion of medical services in it, and said House of Delegates has repeatedly insisted that diagnostic medical services are a part of the practice of medicine, and has been upheld by the House of Delegates of the American Medical Association in this contention; and

WHEREAS, Certain hospitalization insurance associations in California are not operating in accordance with these principles in the issuance of certain of their contracts. [However, it is to be noted that the contracts issued by the nonprofit hospitalization associations of California in conjunction with California Physicians' Service, contracts, furnishing as they do hospital care exclusively, fully comply with the principles above stated]; now be it

Resolved, That the House of Delegates instruct the Council that its continuing approval of hospitalization associations must be contingent upon the full compliance of those associations with these principles.

Your committee recommends "Do pass," and I, as its chairman, move the adoption of this substitute resolution.

DOCTOR GARLAND: Seconded.

SPEAKER GOIN: Any discussion? Ready for the question? All in favor say "Aye"; contrary, "No." The "Ayes" have it. The resolution is adopted.

CHAIRMAN RUDDOCK: Mr. Speaker, your committee at this time requests the consent of the House for the introduction of a resolution presented by Dr. Thomas Chalmers Myers, President of the Los Angeles County Medical Association, which was given to this committee after the close of the last session, on activities of the National Physicians' Committee for the Extension of Medical Service.

Resolution—National Physicians' Service

SPEAKER GOIN: Does the House consent to the reception of this resolution? Does the Chair hear any objection? Unanimous consent is assumed.

CHAIRMAN RUDDOCK:

WHEREAS, One of the most important functions of the medical profession on behalf of the public today is to apprise them of the true status of the medical services available to them, the accomplishments of those services in the past, and the necessity that those services be kept free from political control in the future; and

WHEREAS, The National Physicians' Committee for the Extension of Medical Service has been organized by our national leaders for just this purpose; therefore be it

Resolved, (1) That the California Medical Association first hereby approve the program and proposed activities of the National Physicians' Committee for the Extension of Medical Services; and

(2) That the county societies comprising the California Medical Association are hereby urged to further the work of the National Physicians' Committee by an aggressive campaign to solicit funds and to acquaint every member of the profession with the necessity for such a program of public education.

Mr. Speaker, your committee recommends "Do pass," and I, as its chairman, move the adoption of this resolution.

DOCTOR MYERS: Seconded.

SPEAKER GOIN: Any discussion? All in favor say "Aye"; contrary, "No." The "Ayes" have it and the resolution is adopted.

CHAIRMAN RUDDOCK: Mr. Speaker. I move the adoption of the report as a whole as amended.

DOCTOR DELPRAT: Seconded.

SPEAKER GOIN: Moved by the Committee Chairman, seconded by Doctor Delprat, that the report as a whole as amended be adopted. All in favor say "Aye"; contrary, "No." The "Ayes" have it. The report is adopted.

CHAIRMAN RUDDOCK: Mr. Speaker, at this time your committee wishes to call attention to the fact that at each session of the House of Delegates many resolutions are put into the House. Your committee wishes to call attention to the members of this House that many of the resolutions are very poorly constructed, sometimes conflict with the by-laws and with the constitutional background.

We would request that any member who in the future wishes to put in amendments would send such amendments to the Secretary-Treasurer of this Association, where he may be able to secure legal counsel for their proper drafting. It would certainly expedite the work of the committees, which sometimes is very, very heavy, especially in the case of this committee. At this time the Chairman wishes to thank very much the other members of the Committee, Dr. Robert Stone and Doctor Makinson, for their zeal and efforts and good counsel in preparation of these reports which I have read to you. We thank you, and we have all signed the report. (Much applause.)

SPEAKER GOIN: The Chair was just wondering in his own mind whether or not you all realize the tremendous burden of work that assignment to this committee particularly, and to all these Reference Committees, entails for those who accept it. I take it from your generous round of applause that you do understand it, and are grateful to these men for their serious labors.

The next order of business is unfinished business. Mr. Secretary, is there any unfinished business on the docket of the House?

SECRETARY KRESS: Mr. Speaker, there is no unfinished business on the docket.

SPEAKER GOIN: The Chair will now, of its own motion, suspend the rules for a moment and entertain a motion to extend the thanks of this House to the Monterey County Society and to Dr. Mast Wolfson and his local committee for the splendid work they have done in preparing for this annual session. (Much applause.)

Presentation of Officers

The next order of business is presentation of officers. The Speaker yields the gavel to the president, Dr. Harry Wilson.

DOCTOR WILSON: Mr. Speaker, good friends all, I think it's nearly midnight, and we've had plenty of discussion and I'm not very good at expressing the emotional reactions that occur as I sing my swan song. I really don't feel as if I were passing out of the picture. As I sit here tonight, I'm looking forward to the days when I hope I can get down on the floor and participate in the activities again in a more active manner rather than being pushed off to one side. I would feel very bad if I passed by without calling to your attention our duty to Alson Kilgore. The applause that greeted him tonight when his name was mentioned in the Reference Committee gave me hearty confirmation that you do appreciate what Doctor Kilgore has done for medicine. But I don't think that words could possibly express; nor could we possibly think enough, in terms of gratitude and understanding, of what Doctor and Mrs. Kilgore must have put up with in the past few years in furtherance of his devotion to ideals and trying to make them practical. (Much applause.) We'll accept that for Alson. . . .

I have observed throughout the eleven years that I've attempted to serve you that all of us seem to have particular things that we can do or try to do, and we should appreciate those qualities in each other, even though we do not duplicate them. We all have our bit that we add to the picture, and we must respect and appreciate it in the other fellow, even though it is not similar to that which we ourselves may be partially capable of doing.

Now, Dr. Henry Rogers said last year that he was the country physician, and he felt that he was representative of the country physician. And if ever in this country we

have needed in our leadership a man who's truly representative of the American citizen as he is, just through the rank and file, not the top and not the bottom, not the chemist and not the plumber, but the man who can just walk along the street and everyone with whom he comes in contact is his brother, and he can understand him and talk his language, etc., we're having that type of leadership in Henry Rogers, and it is with tremendous pleasure that I step aside and bow to a leadership that I hope will carry you on to greater fulfillment. (Prolonged applause.)

DOCTOR ROGERS: Well, Harry, I thank you for these gracious words. Mr. Speaker, and members of the House of Delegates: I deeply and sincerely appreciate and thank you for all the great honor that you have done me. I accept the responsibilities, representing as I do, the family physician of the rural districts, for whom I believe you intended this distinction. Incidentally, this is the first time that your president has been elected from the Ninth Councilor District, which begins in the beautiful sun-kissed hills and shores of Marin County, across the bay from San Francisco, and extends to the Oregon line, including all of the great Redwood Empire. I am sure that in honoring me you are honoring all the physicians in that neighborhood. I shall try my very, very best to faithfully serve you. I thank you. (Much applause.)

SPEAKER GOIN: Will Dr. Eric Larson of Los Angeles and Dr. Thomas Myers of Los Angeles escort Doctor Molony to the rostrum? (Applause.)

Members of the House of Delegates, it is with great pleasure that I present to you your president-elect, Dr. William R. Molony of Los Angeles.

DOCTOR MOLONY: You will notice that Doctor Myers, who very graciously and kindly honored me today by nominating me, walked with me part of the way, but then he decided to go back and sit down. As I look upon this group of friendly faces, I feel rather nervous. But being among friends makes me rather at ease and happy. Many years ago, when I was a boy in Los Angeles, my father was a wagon-maker. He made good wagons, all hand-made. He had a great deal of trade among the Chinese. The Chinese drove the horse and wagon in those days. There were no automobiles. They had to have good wagons that stood up. The Chinese vegetable gardener in Wilmington was called upon once by a man who had put in a group of eastern wagons. They looked pretty, and they were painted up nice, etc., but they didn't stand up. He came to this Chinaman and implored him to buy one of the wagons. But he said, "No," and it was no sale. The salesman said, "What's the trouble?" "Well," he says, "when I buy wagons, I go see Mr. Molony. He my cousin." (Laughter.) You see, even the Chinese have a word for it.

I'm deeply grateful to you all for this great honor that you've bestowed upon me today, and particularly grateful to those from my home town, my community, the men among whom I have grown up. My whole medical career has been spent in California. I'm a native son, and I've done the best I could all this time to be worthy of being a doctor and a citizen of this great state. I love the practice of medicine. I love the men who have worked and slaved and labored in its vineyard all the day and all the night, and I shall always give to you and this organization the same standard of enthusiastic work that I have given to all of my work in the past. In closing, I will state that I'm reminded somewhat of a story that was told of one of the Cabinet members who was very efficient. He had a visitor sitting in his office one day, discussing some serious matter, and in walked the fourth assistant to the sixth assistant secretary. This fourth assistant came in very pompous and very important, etc., and interrupted and finally came over to the Secretary and presented some papers to him. The Secretary looked at him and said, "That will be all, Mr. X." He started out. "Oh," the Cabinet officer said, "By the

way, you haven't forgotten Rule Number Six, have you." The fourth assistant turned around and said to the Secretary, "No, Sir." He then stepped on out. The visitor said, "It's remarkable how with all your other duties you remember all the rules." "Oh," he said, "it's easy. We have only one rule here." He said, "What's that?" The Cabinet officer replied: "Don't take yourself so damn seriously." (Much applause.)

SPEAKER GOIN: The agenda directs your Speaker to next present the Speaker, and it just turns out to be the same man again, who thanks you for this expression of confidence, and will endeavor to continue to serve you to the best of his ability. (Applause.)

I'm happy to present to you the Vice-Speaker, Dr. E. Vincent Askey of Los Angeles. (Applause.)

I think you ought to take a look at the councilors you elected today.

Will Doctor Calvert Emmons of the First District arise? (Applause.)

Doctor Anderson of the Fourth District. (Applause.)

Dr. Frank Makinson of the Seventh District, a newly elected Councilor. (Applause.)

The Councilors-at-Large, Dr. Philip Gilman (applause), Dr. Earl Moody (applause), and Dr. Sam McClendon of San Diego (applause).

Doctor Dukes, will you perform your pleasant and constitutional duty?

DOCTOR DUKES: Mr. Speaker, Members of the House of Delegates, it is with great pleasure that I have the honor of welcoming into the fold of Past Presidents, our retiring President, Dr. Harry H. Wilson of Los Angeles. It is with great pleasure, Doctor Wilson, that I hand you this certificate of honor and of appreciation from the California Medical Association, which you can hang upon your wall and look at, as I have looked at mine for the past year, with great pleasure. I'm sure that you will appreciate it as we appreciate your service.

DOCTOR WILSON: Thank you, Charles. (Applause.) Charles, and all of you good friends, I haven't ever told you that I have been deeply honored. I am and have been. I've been tremendously appreciative. I've always been too much concerned with the job in hand and hoping I could do it reasonably well, to be very much concerned with the honor. But it isn't because I'm unappreciative or do not have the same high emotional feelings that each of the other men has expressed so ably. And I still feel like the old fire-horse, that, when the bell rings and you want something done, why I'll be out there trying to do it again. (Applause.)

Minutes: Adjournment

SPEAKER GOIN: It's been the custom of the House at this time to designate the President, the Speaker, and the Secretary as a special committee for editing the minutes. The Chair will entertain a motion to that effect.

DOCTOR STONE: I so move.

DOCTOR DELPRAT: I second.

SPEAKER GOIN: Moved by Doctor Stone, seconded by Doctor Delprat, that the President, the Speaker, and the Secretary constitute a committee to edit the minutes. All in favor, "Aye"; contrary, "No." So ordered. A motion to adjourn is in order.

DOCTOR DOUGHTY: I so move.

DOCTOR LARSON: I second.

SPEAKER GOIN: Moved by Doctor Doughty, seconded by Doctor Larson. All in favor say "Aye." Carried. The House is adjourned.

LOWELL S. GOIN, *Speaker*

GEORGE H. KRESS, *Secretary*

Attest: HARRY H. WILSON, *President*